

Student Code of Conduct



**Student/Parent
Responsibilities
and Rights**

Grades K-12

2009-2010



COLONIAL SCHOOL DISTRICT

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DISTRICT GOAL: To improve the academic achievement of all students.

Colonial School District does not discriminate on the basis of race, color, gender, religion, age, disability, marital status, national origin, or other legally protected categories.

This document is not all inclusive nor does it restrict the District's authority to take actions necessary to maintain a safe and orderly educational environment.

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CHAPTER I INTRODUCTION

The Colonial School District is dedicated to achieving the District goal of **Improving the Academic Achievement of ALL Students** by developing each student's potential for learning in a positive school environment. Schools must therefore be free from disruptions which interfere with teaching and learning activities. Students, parents, and school staff must be responsible for promoting behavior that encourages learning and the development of individual potential.

WHAT IS THE CODE OF STUDENT CONDUCT?

The Code is an official document of the Colonial School District Board of Education which

- Describes a positive and safe school environment.
- Specifies the rights and responsibilities of students.
- Defines attendance responsibilities.
- Safeguards the rights of students.
- Defines conduct that disrupts a positive and productive learning environment.
- Standardizes procedures for disciplinary action.
- Incorporates the State Board of Education Policy for school districts on possession, use, and distribution of drugs and alcohol.

Provisions in the Code of Conduct apply to all students in Grades K-12. Differences in age and maturity are considered in determining the type of disciplinary action to be taken. All students have a greater responsibility for their actions as they increase in age. This Code does not restrict the Board's legal/statutory authority to protect the health, safety, and welfare of students and staff.

A copy of the Student Code of Conduct is given to each student on school entry. Orientation to the code is held in each school at the beginning of the school year. Questions by students or by parents/guardians concerning the code should be directed to the principal of the school.

WHEN IS THE CODE IN FORCE?

The Code is in force

- On school property prior to, during, and following regular school hours.
- While students are on a school bus or in a District vehicle for any purpose.
- At all school-sponsored events and other activities at which school administrators have jurisdiction over students.

Out of School Conduct

The Code of Conduct 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, welfare of other students, or to the reputation of a school or the District.

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.
- The sale, transfer or possession of drugs which would constitute an offense punishable by law.
- Felony charges.

Additionally, the principal/administrator is authorized to take administrative action when a student's misconduct to and from school has a harmful effect on other students, the community, or the orderly conduct of school business.

Days as used in this document is defined as days in which school is in session. When school is out of session, such as during winter, spring, or summer breaks, the time limits shall be used as guidelines but not requirements.

WHAT IS A GOOD SCHOOL ENVIRONMENT?

A good school environment is best described as

- SAFE and POSITIVE.
- Providing a range of educational opportunities.
- Making improvement of student behavior the primary goal of disciplinary action.

It is also the presence of a friendly, yet business-like atmosphere in which students and school personnel work cooperatively toward recognized and acceptable goals. A good school environment is free from distractions, friction, and disturbances.

CONFLICT RESOLUTION/MEDIATION

It is the philosophy of the Colonial School District that students and staff should be proactive in their approach to behavior management. Therefore, conflict resolution and mediation strategies should be employed in a proactive manner to assist students and staff in addressing conflict and discipline issues.

WHO ESTABLISHES A GOOD SCHOOL ENVIRONMENT?

The Code recognizes the need for a working, cooperative relationship among students, parents, and school personnel. This relationship is most productive when

STUDENTS

- Attend all classes daily and on time.
- Are prepared for class assignments and activities.
- Come to class with appropriate working materials.
- Respect all persons and property.
- Refrain from using profanity, abusive language or inflammatory actions in personal interactions.
- Conduct themselves in a safe and responsible manner.
- Are healthy, clean, and neat.
- Are responsible for their own work and behavior.
- Abide by the rules and regulations set forth by the school and individual classroom teacher.
- Seek changes in an orderly and approved manner.

PARENTS/GUARDIANS

- Keep in contact with the school concerning their child's progress and conduct.
- Insure that their child attends school each day and promptly report and explain an absence or tardiness to the school.
- Provide their child with resources needed to complete classwork and homework.
- Assist their child in being healthy, neat, and clean.
- Refrain from using profanity, abusive language or inflammatory actions in personal interactions.
- Bring to the attention of school authorities any problem or condition which affects their child or other children of the school community.
- Discuss report cards and work assignments with their child.
- Attend Parent/Teacher conferences.
- Maintain up-to-date home, work, and emergency numbers at the school.
- Seek changes in an orderly and approved manner.

SCHOOL PERSONNEL

- Are in regular attendance and on time.
- Are prepared to perform their duties with appropriate working materials.
- Respect all persons and property.
- Refrain from using profanity, abusive language or inflammatory actions in personal interactions.
- Conduct themselves in a safe and responsible manner.
- Are healthy, clean, and neat.
- Abide by the rules and regulations set forth by the school.
- Seek changes in an orderly and approved manner.
- Maintain an atmosphere which encourages good behavior and active learning.
- Plan flexible lessons to meet the needs of all students.
- Develop a good working relationship among staff and with students.
- Encourage the school staff, parents, and students to use the services of community agencies.
- Utilize good guidance procedures and practices.
- Encourage parents to maintain regular communication with the school.
- Provide opportunities for parent participation in affairs of the school.
- Encourage and maintain the involvement of students in the operation of the school, i.e., student government.
- Involve the community in order to improve the quality of life within the school and the district.
- Dialogue with parents, students, and other employees in a manner that reflects professionalism and caring.

CHAPTER II

STUDENT AND PARENT RESPONSIBILITIES AND RIGHTS

Within every school, the principal has the primary responsibility and authority for maintaining an orderly educational environment. The Colonial School District Board of Education guarantees students the freedoms allowed by law, provided these freedoms do not endanger the health, safety, and welfare of the students or staff.

Students of majority age, i.e., 18 or older, are responsible for their own actions. All students 18 years of age or older will be treated as adults for purposes of reporting violations of this policy and the law to the police. Students 18 years of age or older shall also be on notice that their parents and/or guardians will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.

The School Board recognizes and supports students' and parents' rights and corresponding responsibilities. In this section, any reference to rights and responsibilities of parents also applies to students over the age of 18.

The district is compliant with Title IX. Title IX complaints are to be directed to the principal.

CURRICULUM

Philosophical Basis

The degree of student involvement in curriculum development depends upon the age, grade, and level of maturity of the student. Since curriculum is designed for students as well as for the present and near-future community, student opinion is important and deserves consideration.

Responsibilities

Students have the responsibility

1. To seek curriculum clarification, if necessary, from informed persons in the school.
2. To strive for mastery of academic skills by participating in available learning activities and programs.
3. To contribute toward the development of a positive climate in the school that will lead to wholesome learning and living.
4. To respect the rights of other individuals who have different view points and to become informed about issues being studied.
5. To involve themselves in school district-approved committees and to enrich the classes in which they are enrolled through participation in planning and evaluation.
6. To explore and participate in any extra-curricular activity that corresponds to their abilities, interests and eligibility.

Rights

Students have the right

1. To have access to clear and precise course descriptions that will help them make informed selections.
2. To participate in courses and programs appropriate to their individual needs at all grade levels.
3. To study all subjects in an atmosphere free from bias and prejudice.
4. To study any issue which relates to their course and which is within their level of maturity and within the scope of the course and to have access to all available information that relates to course objectives.
5. To membership on committees that participate in curriculum planning at the school and district level. This right is restricted to secondary students who are selected according to guidelines established by the district.
6. To equal access to any extracurricular activity corresponding to their interests and abilities (and for which they are eligible according to the District Policy for Student Participation in Extracurricular Activities).

GRADES

Philosophical Basis

Grades are one indicator of the student's learned knowledge or skill proficiency at a particular time. A student's grades should reflect the teacher's best assessment of the student's achievement, based upon the course requirements for a given class.

Responsibilities

Students have the responsibility

1. To ask for an explanation of a grading system which they do not understand.
2. To attain standards of academic performance according to their abilities.
3. To share all notices of unsatisfactory progress with their parents/guardians and to make every effort to improve their performance.
4. To conduct themselves in a manner which fosters a good learning environment.
5. To present assignments when due.

Rights

Students have the right

1. To receive a written copy of a teacher's grading system at the beginning of each course.
2. To receive an academic grade that is based on the teacher's grading system and reflects the student's academic achievement.

3. To request and receive written notification of unsatisfactory progress at any time during the marking period.
4. To have grades used positively and not as a disciplinary tool.
5. To be given appropriate notice of assignment due dates.

CONSULTATION

Philosophical Basis

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Schools have the responsibility to provide counseling services for students and to inform students of services provided by other agencies.

Responsibilities

Students have the responsibility

1. To identify and/or report personnel or school related problems, concerns or issues to appropriate staff, counselors/advisors.
2. To use counseling services for their educational and personal development, where appropriate.
3. To schedule appointments in advance unless the problems or concerns are of an emergency nature. Parents and students have the responsibility of providing information that may be useful in making intelligent educational decisions.
4. To use counselors'/advisors' services for personal or school related problems, concerns or issues.

Rights

Students have the right

1. To be accurately informed as to the nature, kind, or type of guidance services available in their school and community.
2. To receive appropriate counseling for personal and educational problems within a reasonable amount of time.
3. To have access to counselors/advisors on the staff.

ATTENDANCE

Philosophical Basis

School administrators have an obligation under State Law to enforce compulsory school attendance laws. Students have an obligation to take advantage of the opportunity for a public school education.

Responsibilities

Students have the responsibility

1. To take advantage of their educational opportunities by attending all classes daily and on time.

2. To provide the school with a note explaining the reason for an absence.
3. To initiate contact with teachers to request and receive make-up work after an approved EXCUSED absence and to complete all make-up work within the length of time specified in District attendance regulations and procedures (See Chapter III - School Attendance).

Rights

Students have the right

1. To school policies that clearly define absence, unexcused absence, or tardiness.
2. To appeal a decision concerning an absence (excused or unexcused). Participation in a school-approved activity shall be considered an excused absence.
3. To make up assignments, projects, and tests missed during an approved excused absence, according to school District regulations and procedures.

FREE SPEECH/EXPRESSION

Philosophical Basis

One of the purposes of the schools is to prepare students for responsible self-expression in our society. Students may inquire, question, and exchange ideas with neither real nor implied penalty. While self-expression is permitted under the First Amendment to the Constitution it must not interrupt the orderly educational process of the school or be in violation of the Code of Conduct. Free expression must not be obscene, libelous, disruptive, or abusive.

Responsibilities

Students have the responsibility

1. To act in a quiet, dignified manner during patriotic activities.
2. To inform the school of activities which are in conflict with their religious beliefs.
3. To make reasonable requests to conduct surveys and petitions. The results obtained must be reported accurately.
4. To be well informed about issues and to express their opinions in a reasonable place and time.
5. To plan, get approval, and hold activities which are based upon educational objectives.

Rights

Students have the right

1. To participate in activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deep personal conviction.

2. To be excused from any activity which is against their religious beliefs (as confirmed with the appropriate religious officials).
3. To petition and survey other students' opinions by following established school and district approval procedures.
4. To respectfully express their own opinions on issues.
5. To assemble peaceably on school property at a time and place designated by the principal. This right will be denied if it endangers the health or safety of others, damages property, or disrupts the activities of others.
6. To seek medical help.

STUDENT GOVERNMENT

Philosophical Basis

The student government is a means of providing students with an opportunity to express themselves and to act on school matters through the democratic process. All members of the school community share the responsibility for helping the student government. Students should be given the opportunity to participate in those decisions that affect the learning climate of the school. So that the student government can function as an informed organization, School Board policies and individual school policies should be made available.

Responsibilities

Students have the responsibility

1. To work, as members of the student government, on the needs and concerns expressed by the student body.
2. To seek prior consent of any faculty member recommended as an advisor.
3. To conduct election campaigns in a positive, mature manner with all due respect provided other candidates.
4. To participate in student government activities in an appropriate manner, demonstrate positive leadership, and operate within district and school regulations.

Rights

Students have the right

1. To form and operate a student government within their particular school under the direction of a faculty advisor. This right shall be carried out within the guidelines and practices recommended by the National and State Student Government Association and within the rules and regulations of the School District.
2. To recommend members of the faculty to serve as sponsors for their school's government organization.
3. To seek office in student government regardless of race, sex, color, creed, or political beliefs.

4. To attend official student government meetings as student government officers and representatives in accordance with school regulations.

PUBLICATIONS

Philosophical Basis

One of the important roles of the school is to provide effective ways in which students may express themselves on a wide range of subjects. Official school publications, such as school newspapers, should reflect the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

Responsibilities

Students have the responsibility

1. To use only those bulletin boards or wall areas designated for use by students and student organizations. Students must also accept responsibility for the effect that the posting, publication, or distribution of literature might have on the normal activities of the school.
2. To refrain from publishing and/or distributing libelous and obscene materials, to seek full information on the topics about which they write, to observe acceptable standards of good taste, and to observe the normal rules for responsible journalism. Principals will suppress or recall literature which they consider primarily commercial in nature or material which could disrupt the orderly operation of the school.

Rights

Students have the right

1. To possess, post, and distribute literature which will not disrupt the school program and which follows the district's guidelines for responsible journalism.
2. To be free from censorship of their publications within the guidelines previously agreed upon by students and administrators.

STUDENT DRESS

Philosophical Basis

Student dress may vary with the age of the student, instructional activity, and physical conditions in the school. The dress and grooming of students shall contribute to the health and safety of the individual and shall not disrupt the orderly educational process. Student clothing and accessories shall neither endorse nor tacitly approve products and practices which are prohibited by law or school district policy.

Responsibilities

Students have the responsibility

To follow guidelines for dressing and grooming in a manner which shows cleanliness, promotes safety, and demonstrates respect for themselves and others.

Rights

Students have the right

To dress and groom as they choose as long as they do not disrupt the educational process or endanger the health and safety of themselves or others as outlined in established school guidelines.

SEARCH AND SEIZURE

Philosophical Basis

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. Student lockers are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others. Search of individual students shall be based upon reasonable suspicion that the student's person, property or personal automobile contains illegal substances, items or material detrimental to the safety and welfare of other students or staff or in violation of the law or rules of the Student Code. Students are responsible and accountable for the contents of all items found in their lockers, automobiles, bookbags, purses, and any bags or containers used to carry personal property.

All alcohol, drugs, drug-like substances, look-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, in the case of a medical emergency, for identification. All substances shall be sealed and documented and, in the case of substances covered by 16 Del. C., Ch. 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate. (In case of medical emergency, substance should be made available for identification purposes.)

Responsibilities

Students have the responsibility

1. To refrain from possessing or concealing any substance or objects which are illegal or which may disrupt the educational process and/or school sponsored activities/events.
2. To monitor and control access to their lockers, motor vehicles, purses, bookbags, or similar containers and to check regularly their contents.

Rights

Students have the right

To privacy in their personal possessions unless the principal or designee has reasonable suspicion to believe that illegal substances/objects are possessed or being concealed by the student.

To be notified that a seized substance is believed to be an illegal drug. The student and student's parent/guardian have 3 days from the date of notification to dispute, in writing, that a seized material or substance is a drug.

GRIEVANCE PROCEDURES

Philosophical Basis

When a student feels unfairly treated or has not been afforded due process, a grievance may be filed. Schools are responsible for providing a means for students to express and resolve their grievances.

Responsibilities

Students have the responsibility

To try to resolve their complaints through discussion with the person(s) involved before using the grievance procedure. When using the grievance procedure students must state the grievance clearly, follow the established procedures, and abide by the decision that results from this process.

Rights

Students have the right

To a procedure for expressing and resolving their grievances. This procedure specifies lines of communication, time lines, and a method of appeal.

STUDENT MOTOR VEHICLES

Philosophical Basis

Student motor vehicle use to and on school or district property is a privilege which may be extended by the school district to students in exchange for their cooperation in the maintenance of a safe and orderly educational environment.

Responsibilities

Students have the responsibility

1. To operate their motor vehicles in a safe and prudent manner at all times while driving on school or district property.
2. To refrain from carrying or concealing any substance or objects in a motor vehicle which may disrupt the educational process or which are forbidden by the Student Code or state law.

Rights

Students have the right

To privacy of the contents of their motor vehicles unless the principal or designee has reasonable suspicion to believe that an illegal substance or objects and other items that may be disruptive to the educational process are being concealed by the student.

STUDENT RECORDS

Philosophical Basis

Student records are defined as any materials concerning individual students kept in any form by the School Board or its employees, except for personal notes of teachers and other school personnel intended for their use only. Student records are maintained to provide information which can be used to develop the best possible educational program for each student. Care must be exercised by the school staff to make sure that student records are treated confidentially and that the information contained therein is accurate and appropriate. Student Code of Conduct violations and disciplinary actions will normally be recorded and maintained annually. Expulsion will be recorded on the student's cumulative record folder.

Responsibilities

Students have the responsibility

1. To give school personnel ample notice that they want to inspect and review their records. Eligible students and parents have the responsibility to meet their financial obligations for school fees or fines. Transcripts and records may not be released until all student financial obligations are met.
2. To release information to those individuals or agencies who are working in a positive manner for the benefit of the student. The permission to release information, where required, must be in writing.

Rights

Students have the right

1. To release, inspect, review, and challenge the information contained in their school records within the district guidelines and legal age requirements. School personnel shall provide assistance to students and parents to help them understand information in student records. This access may not be denied because of failure to pay fines or fees.
2. To sign for a release of the information contained in their records to authorized agencies. The student must be fourteen years of age or older to sign this release.
3. To be protected from the release of personally identifiable information to unauthorized persons.

MARRIAGE, PREGNANCY, AND PARENTHOOD

Philosophical Basis

Students who are married, expectant parents, or parents do not lose their right to a free public education. Students are encouraged to continue their education through programs designed to meet their special needs and circumstances.

Responsibilities

Students have a responsibility

To attend school regularly or to take advantage of special programs designed to meet their needs even though they are married, expectant parents, or parents. Students who are pregnant should seek professional medical advice regarding school attendance.

Rights

Students have the right

To remain in the regular school program or to attend a special program designed to meet their educational needs.

DISCLOSURE OF CERTAIN STUDENT INFORMATION

Colonial School District may disclose certain information, known as directory information, at its discretion without consent. Parents, or students eighteen years of age or over, may refuse to permit the release of any or all directory information. If a parent or emancipated student does not want directory information released, he or she must send written notice annually to the Superintendent of the District at the address listed in the front of this booklet. Such notice must be received within 30 days of student receipt of this book. The following student information is directory information: name, address, telephone number, date and place of birth, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous school attended by the student, and photographs of students in school or school activities provided the photographs do not reveal information concerning academic placement.

FERPA RIGHTS

The Family Education Rights and Privacy Act (FERPA) affords parents, and students over 18 years of age, the following rights:

Inspection and Review

Parents may submit to the school principal a written request identifying records they wish to inspect. The principal will notify them of the time and place at which records may be inspected. Access shall be provided within 45 days of the receipt of the request.

Amendment of Records

Parents may ask the district to amend a record they believe is inaccurate by submitting to the principal a written request identifying the part of the record they want changed and specifying why it is inaccurate. If the district denies the request, the district will notify them of the decision, advise of the right to a hearing, and provide the hearing procedures.

Disclosure without Consent

Disclosure of personally identifiable information contained in students' education records requires parent consent with the following exceptions:

1. Such records may be disclosed to school officials with legitimate education interests. School officials include district employees; Board of Education members; a person or company retained by the district to perform a special task, for example, an attorney, auditor, medical consultant, or therapist; or a parent or student serving on a committee or assisting another school official. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill a professional responsibility.
2. Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

Complaint

Parents may file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA by submitting a complaint to

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

RIGHTS UNDER PPRA

The Protection of Pupil Rights Amendment (PPRA) affords parents, students who are 18, and emancipated minors the following rights regarding the district's conduct of surveys, collection and use of information for marketing purposes, and certain physical examinations.

Protected Information Surveys

The district is required to obtain consent permitting a child to participate in certain school activities, or parents may elect to opt out of such activities. These activities, known as protected information surveys, include a student survey, analysis, or evaluation concerning one or more of the following:

1. Political affiliations or beliefs of the student or student's parent
2. Mental or psychological problems of the student or student's family
3. Sexual behavior or attitudes
4. Illegal, anti-social, self-incrimination, or demeaning behavior
5. Critical appraisals of others with whom respondents have close family relationships
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
7. Religious practices, affiliations, or beliefs of the student or parents
8. Income, other than as required by law to determine program eligibility

Notice and Opportunity to Opt Out

The district will notify parents of the dates of the following activities and provide an opportunity to opt a student out of participating in such activities:

1. Any protected information survey, regardless of funding source
2. Any non-emergency invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical examination or screening permitted or required under state law
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing, to sell or otherwise distribute the information to others

Inspection

Parents may, upon request, inspect the following:

- Protected information surveys of students
- Instruments used to collect personal information from students for marketing, sales, or other distribution purposes
- Instructional materials used as part of the educational curriculum

Adoption of Policies

The district will adopt policies, in consultation with parents, regarding these rights as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The district will notify parents of these policies at least annually at the start of each school year and after any substantive changes.

Complaint

If parents believe their rights have been violated, they may file a complaint with

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SE
Washington, DC 20202-4605

Colonial School District follows all federal and state laws and regulations.

COMPUTER USAGE

Students must sign and adhere to the district's acceptable use of technology policy, which incorporates the state policy, before they may make use of district technology, including Internet access. (See page 57 — Unauthorized Computer Use)

CHAPTER III SCHOOL ATTENDANCE

Every parent, guardian, or other person having control of a child between the ages of 5 and 16 is required to send such child to school. School attendance is mandated by statute and by laws and regulations of the State Board of Education. The Student Attendance Policy of the Colonial School District Board of Education establishes specific regulations related to attendance. (See Appendix B: Colonial School District Attendance Policy.)

The chief school officer of the local school district is responsible for enforcing the attendance laws of the state and is the person who may excuse a child for necessary and legal absence, subject to the provisions of the Delaware Code (Title 14).

The following are considered necessary and legal excused absences and may not be used to file truancy charges:

1. Illness of the student
2. Medical diagnosis and/or treatment
3. Death in the immediate family; funerals of other relatives or close friends, not to exceed one day if in the locality or three days if outside the state
4. Contagious disease in the home of the child subject to regulations of the Division of Public Health, Department of Health and Social Services
5. Legal business requiring the student's presence
6. Suspension or expulsion from school
7. Observance of religious holidays
8. Approved college visits
9. Authorized school-sponsored activities
10. In addition, the Superintendent or designee shall have the authority to approve other absences.

Absences for other reasons are classified as "unexcused."

A student enrolled in grades K through 12 inclusive is considered truant if such a student has been absent from school without valid excuse, as defined in Rules and Regulations of the State Board of Education, for more than three (3) days or the equivalent thereof during a given school year. Schools will take action regarding unexcused absences including, but not limited to, written communications, home visits, required parent/guardian conferences, and referral of the parent for prosecution.

Parents/guardians who allow their children to be truant are subject to the following penalties as described by State law:

Parents

First offense: fine of \$25 to \$300 or imprisonment for up to 10 days or both
Second offense: fine of \$50 to \$500 or imprisonment for up to 20 days or both
Third offense: fine of \$230 to \$1,150 or imprisonment for up to 30 days or both
A parent may be ordered to perform unpaid community service in lieu of a fine. If imprisoned, the court may impose conditions of release.

Students

Penalties may include community service, counseling, curfew, suspension or revocation of driver's permit or hunting license, prohibition of participation in extracurricular activities or school social events or recommendation that the student enroll in an alternative school.

ANY PUPIL 16 YEARS OF AGE OR OLDER WHO IS TRUANT ON MORE THAN THREE SEPARATE OCCASIONS DURING ONE SCHOOL YEAR MAY BE EXPELLED FROM SCHOOL BY THE BOARD OF EDUCATION.

THE SCHOOL, IN ADMINISTERING THE STATE POLICY, DEFINES THE MOST COMMONLY USED ATTENDANCE TERMS AS FOLLOWS:

EXCUSED ABSENCE

An excused absence from school or class is an absence for one of the reasons listed above and for which the required parental note of explanation has been presented on the first or second day of the student's return to school or class. Following a valid excused absence, the student will be allowed to make up all work missed, to take tests which were missed, and to submit any assignments which became due during the absence. Following an excused absence from school or class, the time allowance for taking tests or turning in assignments shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend the time allowance for making up work missed if the specific circumstances of the situation merit such action. The responsibility for initiating make-up work and turning in assignments rests with the student.

UNEXCUSED ABSENCE

An unexcused absence from school or class is an absence

1. Which is for a reason not listed as excused.
2. About which the parent has no knowledge.
3. For which the parental note of explanation was not provided on the student's first or second day of return to school following the absence.
4. Suspension in excess of 5 school days or expulsion.

Students suspended for periods of one to five (1 - 5) school days are permitted to make up missed school work in the length of time equal to the number of days absent. Teachers are not required, but are permitted, to provide make-up work to students whose suspension exceeds five (5) school days (i.e., suspension days 6 and above).

A student whose absence is unexcused shall receive no credit for assignments missed or tests given during the period of the unexcused absence unless otherwise permitted by the teacher.

While an unexcused absence may result in no credit for assignments or tests missed, students may request assignments from their teacher at the initiation of the student. If the teacher provides assignments after an unexcused absence, the time allowance for requesting the instructional materials or assignments from the teacher shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend this time allowance if the specific circumstances of the situation merit such action.

LATENESS TO CLASS

At the beginning of each term, the teacher shall define guidelines regarding lateness to class. When, in the judgment of the teacher, lateness becomes excessive, the student will be reported to an appropriate staff member for administrative action. Lateness to class may have a detrimental effect on student learning.

TARDINESS TO SCHOOL

All students are expected to be punctual to school. Students who arrive at their first class assignment after the start of school are tardy. A student who is late to school should present a written explanation for the tardiness on the first or second day following the tardiness.

Students should recognize that a written explanation from home does not automatically cause the tardiness to be excused. Such reasons as car trouble, personal business, heavy traffic, home obligations, etc., while understandable, are not acceptable excuses and will be listed as unexcused. Reasons such as personal illness, medical appointments, and appearances in court will be considered as excused tardiness when verified by a note from home.

Students who do not attend at least half of the class periods on a given day will be marked absent for that day. Students who do not attend at least half of a given class period will be considered absent from the class unless excused by proper authority.

PREARRANGED ABSENCE

A prearranged absence is a student's absence from school for one or more days to visit a college or university or for other educational activities approved by the principal. The absence should be prearranged by writing the principal, giving

the full particulars of the absence. Approval for such absences should be sought, where practicable, at least one (1) week prior to the date on which the absence is to occur. Upon the development of a plan by student and teacher for making up the assignments to be missed, the principal may then define the absence as excused.

Students who must leave the building due to an emergency or some other reason which did not permit a prearranged absence must receive approval from the principal or his/her designee. The student is then responsible for completing the sign-out procedure before leaving the building and must present the required parental note of explanation upon his/her return to school.

ADULT STUDENT

State law provides that a student reaches legal majority at age eighteen. The attainment of adult status provides that the student may assume responsibility for signing attendance notes and other matters pertaining to school activities.

NOTE: EACH SCHOOL SHALL DEVELOP AND DISTRIBUTE TO EACH STUDENT THE PROCEDURES WHICH SHALL BE USED IN IMPLEMENTING THIS ATTENDANCE POLICY.

CHAPTER IV SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS

Students, and their parents as their representatives, have all the rights given to every citizen by the Fifth and Fourteenth Amendments to the U.S. Constitution. Many of these rights which pertain specifically to education are defined in this document. These rights are protected through a procedure called due process. This chapter defines the due process procedures for suspension, assignments to alternative programs, expulsion, and for filing a grievance.

Students and their parents are encouraged to become familiar with these due process procedures.

STUDENT GRIEVANCE

A grievance is another name for a complaint. A student grievance exists when it is alleged that a student has been unfairly treated or has not been afforded due process. A student grievance must be filed within five (5) school days from the time of the alleged infraction.

The following persons or groups of persons may use the grievance procedures:

1. Students or groups of students.
2. Parent(s)/legal guardian(s) of a student.
3. Groups of parent(s)/guardian(s) of students.

The grievance procedures may be used in any of the following situations:

- A. Where it is alleged that any student or group of students
 1. Is being denied access to an appropriate educational opportunity.
 2. Is being denied participation in any school activity for which the student is eligible.
 3. Is being denied the opportunity to compete for a position in an activity where the selection is limited.
 4. Is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.
- B. Where it is alleged that the rights of an individual student and/or group of students are being denied or abridged.

GRIEVANCE PROCEDURE

When the grievance procedure is used, these steps shall be followed:

1. The grievant shall request a conference with the teacher or person(s) who allegedly treated the student unfairly.
2. If the conference fails to resolve the issue, the grievant shall discuss the problem with the principal or his/her designee.

3. If the principal fails to resolve the issue, the grievant will, upon request, be given a written notice by the principal stating the reason(s) the problem could not be resolved. Such notice will be provided with in five (5) school days.
4. A grievant wishing to appeal the principal's written decision must file a written appeal with the Superintendent not later than ten (10) school days from the date of receipt of the principal's written decision.
5. The Superintendent or designee shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall issue a decision in writing, no later than five (5) school days following the grievance conference.
6. The decision of the Superintendent of Schools shall be the final decision of the school district. A copy of the Superintendent's final decision shall be sent to all involved parties not later than ten (10) school days following receipt of the appealed decision.

SUSPENSION FROM SCHOOL

A suspension is the temporary removal of a pupil from regular school attendance 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 or for Code violations determined to be serious. While serving an out of school suspension a student is forbidden from being on the property of the Colonial School District for any reason unless accompanied to a pre-arranged appointment by a parent or guardian.

Prior to a suspension from school, the student shall

1. Be given oral or written notice of the charges and, if the charges are denied, be given an explanation of the evidence known to school authorities.
2. Be given a fair and impartial hearing conference and have the opportunity to present his/her side of the story.
3. Have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.
4. Be advised that the suspension may be appealed to the next administrative level.

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

In all cases of suspension, an attempt shall be made to notify the parents by telephone and, if necessary, to request that the student be picked up from

school. Students whose parents cannot be reached by telephone will be retained at school until the end of the school day.

When a student is suspended, written notification of the suspension will be sent to the parents within twenty-four (24) hours. The notification shall state the cause and duration of the suspension. If suspension is for more than three days, a definite time and date for a hearing on the suspension shall be scheduled at a place designated by the principal. Every effort will be made by the school and the parent/guardian to conduct a conference prior to the return of a student to school following a suspension.

Following the fourth (4th) out-of-school suspension in any one school year, the student will be placed on a Behavior Contract.

A Behavior Contract is a written agreement of conditions to be met by the student which, if broken, may result in a recommendation for expulsion. Such agreement is made by the student and parent(s) with the administration of the school in which the student is enrolled.

The Board of Education shall be notified of all recommendations for expulsion.

In the case of students with disabilities (as that phrase is defined under Federal regulations promulgated under the Handicapped Act [20 U.S.C. S1401 et seq.]), the regulations and procedures as stated in the State of Delaware Administrative Manual for Exceptional Children shall be followed.

IN-SCHOOL SUSPENSION is the temporary placement of a student in a supervised area other than the area indicated by the regularly assigned schedule.

SUSPENSION OF BUS PRIVILEGES

(SEE APPENDIX C: TRANSPORTATION CONDUCT OF PUPILS)

Riding a school bus is a privilege. Suspension of bus privileges is the temporary removal of the opportunity to ride the school bus. Such suspensions are for a period not to exceed five (5) school days. The principal may, however, suspend bus privileges for a period to exceed five (5) days for repeated and/or serious misbehavior. Suspension for longer than five (5) days must have the approval of the Superintendent. Suspension of bus riding privileges does **NOT** mean suspension from school.

Prior to the suspension of bus privileges, the student shall

1. Be given oral or written notice of the charges and be told who is making these charges or complaints.
2. Be given a fair and impartial hearing and have the opportunity to present his/her side of the story.
3. Have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.
4. Be advised that suspension of bus privileges may be appealed to the next higher authority.

In all cases of suspension of bus privileges, an attempt shall be made to notify the parents by telephone with a written notification of the suspension sent to the parents within twenty-four (24) hours.

During the suspension of bus riding privileges, it shall be the parent's responsibility to provide the student's transportation to and from school.

Suspension of bus privileges shall not be used as a disciplinary action for non-bus related violations.

ASSIGNMENT TO ALTERNATIVE PROGRAM

Assignment to alternative programs is the removal of a 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.

EXPULSION

State regulations define expulsion as "...the exclusion of a pupil from school."

By state law, 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 that may result in a recommendation for expulsion, the following procedure shall be followed:

STEP I

1. The student shall be suspended for five (5) school days.
2. The principal shall investigate all aspects of the discipline problem, including a conference with the student and his/her parents or guardians, if possible, at which time the student will be informed of the charges and afforded an opportunity to tell his/her side of the story.
3. The principal shall make every effort to complete the investigation within three (3) school days of the incident under investigation, if possible.
4. If the principal concludes that the student committed the offense and that the nature of the offense warrants a recommendation for expulsion, the principal shall submit to the Superintendent a summary of the principal's investigation and a recommendation for expulsion.
5. If the Superintendent concurs with the recommendation for expulsion, the student's suspension is extended pending a recommendation by the Hearing Officer following the Step II hearing.

STEP II

1. Within five (5) school days from the date of completing the investigation which results in a recommendation for expulsion, the Hearing Officer will notify the student (if an adult) and the student's parents or guardians of intent to expel and of the date, time, and location for a hearing. The notice of intent to expel shall be sent by certified mail or hand delivered and shall state the reasons for the expulsion and the time and place of the hearing as well as the expulsion procedures. If notification is postmarked within the limits indicated, requirements under this provision are met.
2. The hearing shall be held not less than three (3), nor more than seven (7) school days after the notice of intent to expel is mailed. The time period may be modified by agreement of both parties.
3. The hearing shall be conducted by a Hearing Officer. The Hearing Officer may be an employee of the District, but must be impartial.
4. The Hearing Officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. In conducting the hearing, the Hearing Officer 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 irrelevant evidence. Unduly repetitive proof, rebuttal and cross examination shall be excluded. The witnesses shall be sworn in by the Hearing Officer.
5. The student shall have the following rights:
 - a. To be represented by counsel, at the student's expense;
 - b. To question any witnesses who testify and receive a copy of any statements and/or affidavits of such witnesses;
 - c. To request that any 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 prior to the proceedings;
 - d. To testify and produce witnesses on his/her behalf;
 - e. To obtain, at the student's expense, upon written request, a copy of the transcript of the hearing.

STEP III

1. Within three (3) school days following the conclusion of the hearing, the Hearing Officer shall prepare a report for the Board. The report shall summarize the proceedings, state findings of fact and make a recommendation as to whether the Board should expel the student.
2. If the Hearing Officer does not recommend expulsion, the Hearing Officer may permit the student to return to school pending a review of the report by the Board.

3. The Board shall decide whether to expel the student following a review of the report, as well as the transcript of the hearing. Additionally, the Superintendent will make a recommendation regarding alternative placement should the Board decide to expel.

STEP IV

1. The parents of a student who is expelled shall be informed that they may apply for the student's re-admission at the end of the period of expulsion and must provide verification that all conditions for re-admission have been met.
2. Upon re-admission to school, the student will be placed on probation. 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.
3. A student is prohibited from being on Colonial 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.
4. By state law, the Superintendent of Schools shall notify the Division of Motor Vehicles concerning the expulsion of a student who is of legal driving age or who will become so during the expulsion period. The Division shall suspend or refuse to renew the driver's license of the expelled student or refuse to issue a license to the student. The student shall remain ineligible for a driver's license until the expulsion period is over or until he or she becomes 19 years of age.
5. Normally a student shall be readmitted at the beginning of a marking period.

Students With Disabilities

1. In the case of a student with a disability being considered for expulsion or suspension in excess of 10 days cumulatively in one school year, a special education team meeting will be convened.
2. The special education team will determine whether (1) the alleged conduct was related to the student's disability; or (2) the student was inappropriately placed at the time of the offense or there is a likelihood that a change in the student's program and/or placement would alleviate the misconduct which led to the offense.
3. If the special education team determines that either of the above standards are met, suspension or expulsion is not authorized and the student's program and placement should be reviewed.
4. If the special education team determines that neither of the above standards are met, the principal will follow the Student Code of Conduct. To the extent required by state or federal law, a student identified as having a disability under the Individuals With Disabilities Act (IDEA) who is expelled or suspended in excess of 10 days may

still be entitled to a free, appropriate, public education.

5. If a student with a disability presents a danger to himself or others, or is so disruptive that his behavior substantially interferes with the right of other students to benefit from an education, an interim change of placement may be authorized by either (1) special education team decision accompanied by parental consent; or (2) court order.
6. Nothing stated herein shall preclude the special education team from placing a student with a disability, determined to have brought a firearm to school, in an interim alternative educational setting in accordance with state and federal law.

Definitions

"Student with disability" refers to a student eligible for special education under either: (1) the Individuals With Disabilities Education Act (IDEA) as implemented by state regulations compiled in the Administrative Manual: Programs for Exceptional Children (AMPEC); or (2) Section 504 of the Rehabilitation Act.

"Special education team" refers to an Individual Educational Program (IEP) team for students eligible under the IDEA and a multidisciplinary team for students eligible under Section 504. The composition of both teams should include individuals knowledgeable about the student, the meaning of evaluation data, and placement options.

CHAPTER V

VIOLATIONS OF THE CODE OF STUDENT CONDUCT

The Code of Student Conduct defines specific acts which are considered violations of expected student behavior. School rules come from many sources including State Law, Board of Education Policy, and District Guidelines and Regulations. These violations are examples of those acts which disrupt the school environment and the instructional process.

The aim of this chapter is to provide school personnel, parents, students, and the community clear understanding of code violations and resulting disciplinary actions.

A major consideration of the Code of Student Conduct is to identify appropriate disciplinary actions to bring about positive student behavior. The severity and frequency of the misbehavior and the age and maturity of the student are considered in defining appropriate disciplinary action. It is understood that the severity of a violation of the Code necessitates disciplinary action that is appropriately severe. While administrative personnel bear the major responsibility for effectively carrying out the discipline policies, the total staff plays a vital role in resolving problems and influencing student behavior.

The Code of Conduct 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 other students or staff.

Such out-of-school conduct shall include, but not be limited to

- acts of violence which are punishable by law.
- sexual offenses which are punishable by law.
- the sale, transfer or possession of drugs which would constitute an offense punishable by law.
- felony charges.

Nothing in this section dealing with out-of-school conduct will have any effect on or alter in any way the application of the Code for in-school conduct.

The following pages list and define violations and disciplinary actions. The Code permits administrators and teachers to select from a list of recommended actions for certain violations. Specific disciplinary actions are required for other violations.

The principal or designee shall conduct such an investigation as is reasonable under the circumstances to confirm that the charged offense has in fact been committed.

Participation in School Activities

Students participating in extracurricular programs and activities are expected to maintain district standards of behavior in their school and community as defined by the Student Code of Conduct.

Any student placed on a district probationary agreement or behavior contract will be ineligible to participate in any school-sponsored extracurricular activity or program for 90 school days.

Any student who violates district-approved team or group pledges or rules may become ineligible to participate in school-sponsored extracurricular activities or programs for 45 school days if recommended by the school administration.

The Federal Gun Free Schools Act requires that a student who possesses a firearm in school shall be expelled for not less than one year.

The district administration may also declare a student ineligible to participate in any or all school-sponsored extracurricular activities and programs for a set period of time when that student's behavior results in a threat of harm to the health, safety, or welfare of staff or students or to the reputation of the district.

Furthermore, the students do not have a right to participate in extracurricular activities in order to secure financial assistance to attend college.

In order for a student participant to receive season recognition, such as awarding of a letter or plaque or certificate, nominations for conference and state recognition, and participation in end-of-year team banquets and other such events, an individual must have completed the entire season and be in good standing throughout that season, as determined by the district.

Participation is a privilege which may be forfeited due to misconduct or failure to attain and maintain required GPA.

Under certain limited circumstances, students who become the victims of a violent act perpetrated by another student may make use of the Choice process to change schools.

Additionally, any students who are suspended for violations of the Student Code of Conduct or suspended from the team or activity for inappropriate conduct that violates the team or activity rules will not be permitted to attend any school events during that period whether these events are conducted at the school or any other location.

GLOSSARY OF DISCIPLINARY ACTIONS

BEHAVIOR CONTRACT is a written agreement of last resort among a student, the student's parent, and an administrator which specifically states the conditions that, unless met, may result in a recommendation for expulsion.

DENIAL OF BUS TRANSPORTATION is the temporary or permanent withholding of bus transportation for misconduct on the school bus, disrespect to the driver, or vandalism to the bus. Such action may be taken only by an administrator. During the period of denial of school bus transportation, parents are responsible for getting the student to and from school.

DENIAL OF DRIVING PRIVILEGES is the removal of permission to drive on school property for a specified time.

DETENTION is an established time outside the regular instructional time when a student is detained in a supervised area.

DISCIPLINARY AGREEMENT is an agreement under which a student must fulfill specific commitments or be denied certain privileges until behavior improves.

EXPULSION is the exclusion of a student from school on a permanent basis or for a period of time determined by the Board. Expulsion denies the student attendance in any and all regular school programs/activities of the Colonial School District.

IN-SCHOOL SUSPENSION is the temporary placement of a student in a supervised area other than the area indicated by regularly assigned schedule.

IN-SCHOOL PENALTY is an appropriate disciplinary alternative within the resources of the school.

PARENT / GUARDIAN CONTACT / CONFERENCE is a contact by telephone or in person with a parent/guardian.

REFERRAL TO ALTERNATIVE PROGRAM is a short-term educational option for students whose behavior requires removal from the regular school program. Referral to an alternative program will be made according to procedures established for the program.

REFERRAL TO THE COURTS is the filing of a charge of an alleged illegal action with the court having jurisdiction.

REFERRAL TO POLICE AGENCIES is the reporting of an alleged illegal act to a law enforcement agency.

REFERRAL TO SOCIAL SERVICES AGENCIES is a recommendation that the student seek help from a public or private social agency.

REMOVAL FROM CLASS

A. Teacher

A teacher may remove a student from class for the remainder of the class period when the student's conduct is seriously disruptive and informal resolution is impracticable. Exclusion may not exceed one class period. The student must be escorted to a supervised area designated by the principal.

B. Administrator

An administrator may temporarily remove a student from class if the student's continued attendance in a particular class causes serious disruption of the educational process or presents immediate danger of physical harm to either the student or others. The student will be assigned to a supervised area. Removal from class by an administrator shall not exceed five (5) days. However, a student may be permanently removed from a particular class after repeated infractions.

REPRIMAND is a verbal or written warning that behavior is not acceptable.

RESTITUTION/RESTORATION is the payment for and/or restoring of school/district property or articles which have been damaged, lost, or stolen.

OUT OF SCHOOL SUSPENSION is a student's temporary exclusion from regular school attendance and activities by an administrator. Principals and Assistant Principals may suspend a student for up to five (5) days. The Superintendent or designee may extend the suspension for serious infractions or while a student awaits an expulsion hearing. While serving an out of school suspension a student is forbidden from being on the property of the Colonial School District for any reason unless accompanied to a pre-arranged appointment by a parent or guardian. Suspended students are also prohibited from participating in any curricular or co-curricular activities held at the school or any other school.

WORK ASSIGNMENT is an assigned task which must be completed by the student. The time required should not exceed five (5) hours and should be related to the severity of the offense.

GLOSSARY RELATED TO DRUGS AND ALCOHOL:

- A. **ALCOHOL** means alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine, and beer.
- B. **DRUG** means 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 any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.
- C. **DRUG PARAPHERNALIA** means 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.
- D. **PRESCRIPTION DRUGS** means any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Delaware Code, 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.
- E. **DRUG-LIKE SUBSTANCE** means 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.
- F. **NON PRESCRIPTION MEDICATION** means any over-the-counter medication; some of these medications may be a "drug-like substance."
- G. **LOOK-ALIKE SUBSTANCE** means any non-controlled substance which is packaged so as to appear to be a drug, alcohol, or drug-like substance or about which a student makes an express or implied representation that the substance is a drug or non controlled substance

capable of producing a change in behavior or altering a state of mind or feeling. See 16 Delaware Code, sec. 4752A.

- H. **POSSESS, POSSESSING, OR POSSESSION** means that a student has on his/her person, in his/her belongings, or under his/her reasonable control by placement of and knowledge of the whereabouts alcohol, a drug, a look-alike substance, a drug-like substance or drug paraphernalia. Items found in a student's locker, automobile, purse, bookbag, or similar container used to carry books or personal property are considered in the possession of the owner of the vehicle or container or the student who is assigned that locker.
- I. **USE** means that 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.
- J. **DISTRIBUTE, DISTRIBUTING OR DISTRIBUTION** means the transfer or attempted transfer of alcohol, a drug, 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.
- K. **SCHOOL ENVIRONMENT** means 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 extra-curricular activities held on/off school grounds, on field trips, and at functions held at the school in the evening.

CHAPTER VI VIOLATIONS AND DISCIPLINARY ACTIONS

THE LIST IS NOT ALL INCLUSIVE, AND A STUDENT COMMITTING AN ACT OF MISCONDUCT NOT LISTED WILL STILL BE SUBJECT TO THE AUTHORITY OF THE PRINCIPAL OR DESIGNEE. SERIOUS OR EXCESSIVE BEHAVIOR WHICH NECESSITATES A MORE SEVERE DISCIPLINARY ACTION THAN THAT REQUIRED OR OPTIONAL UNDER THE FOLLOWING DISCIPLINARY ACTIONS SHALL BE SUBJECT TO THE DISCRETIONARY AUTHORITY OF THE PRINCIPAL UP TO AND INCLUDING A RECOMMENDATION FOR EXPULSION.

When establishing disciplinary action to be taken, the first priority shall be those that are required action(s).

When selecting appropriate disciplinary actions from among those listed under "Optional," the administrator or designee may select one or more of the actions listed in addition to implementing those which are required. Multiple offenses may be treated under the more severe penalties listed under subsequent violations.

ABUSIVE LANGUAGE

Written or spoken language that is offensive, obscene, or vulgar and that is observed or heard by students, staff, or patrons.

First Violation

Required:
Reprimand

Optional
Parent/Legal Guardian
Contact/Conference
Removal from class
Detention
Disciplinary Agreement
Restitution/Restoration
In-School Suspension
Out-of-School Suspension

Subsequent Violations

Required:
Parent/Legal Guardian Contact/Conference
Reprimand

Optional
Removal from class
Detention
Disciplinary Agreement
Restitution/Restoration
In-School Suspension
Out-of-School Suspension

ACADEMIC CHEATING

The act or instance of fraudulent deception in preparing or presenting course work or class assignments as a student's own authentic work when it is not. This includes, but is not limited to, (1) copying another student's paper, (2) unauthorized use of notes or sharing answers during a test or examination, (3) presenting another person's work as one's own (4) presenting quotations, words, or ideas without proper references or credit (plagiarism).

First Violation

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Grade Penalty for specific incident or act
Referral to Counselor

Optional

In-School Suspension
Out-of-School Suspension

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Behavior Contract
Restitution/Restoration
Grade Penalty for specific incident or act
In-School Suspension
Referral to Counselor

Optional

Out-of-School Suspension
Assignment to Alternative Program

ARSON

Any burning or attempts to burn on school property, district buildings or their contents, or personal property.

First Violation

Required

Reprimand
Out-of-School Suspension
Referral to Police/Fire Agency and/or the Courts
Parent/Legal Guardian Contact/Conference
Restitution/Restoration

Optional

Referral to Social Services Agencies
Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Referral to Police/Fire Agency and/or the Courts
Recommendation for Expulsion

ASSAULT

Intentionally or recklessly causing physical injury to another person.

First Violation

Required

Reprimand
Out-of-School Suspension
Referral to Police Agency and/or the Courts (Grades 4 - 12)
Parent/Legal Guardian Contact/Conference
Restitution/Restoration

Optional

Behavior Contract
Referral to Social Services Agencies
Referral to Alternative Programs
Recommendation for Expulsion

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Referral to Police Agency
And/or the Courts (Grades 4 - 12)

Optional

Behavior Contract
Referral to Social Services Agencies
Referral to Alternative Programs
Recommendation for Expulsion

ASSAULT OF AN EMPLOYEE BY A STUDENT

A deliberate or spontaneous physical attack on an employee by a student resulting in an assault charge.

First Violation

Required

Reprimand
Out-of-School Suspension
Parent/Legal Guardian Contact/Conference
Referral to Police Agency and/or the Courts
Recommendation for Expulsion

AGGRAVATED ASSAULT

Intentionally causing serious physical injury to another person or intentionally causing any degree of injury to another person by using a deadly weapon or dangerous instrument.

First Violation

Required

Reprimand
Parent/Legal Guardian
Contact/Conference
Out-of-School Suspension
(All Grades)
12)
Referral to Police Agency
and/or the Courts
Recommendation for Expulsion
(Grades 6-12)
Confiscation/Search

Optional

Recommendation for
Expulsion (K-5)
Referral to Alternative
Programs (K-5)

ATTEMPTED RAPE OR RAPE

Forced sexual contact without consent of the victim.

First Violation

Required

Reprimand
Parent/Legal Guardian Contact/Conference
Out-of-School Suspension
Referral to Police Agency and/or the Courts
Recommendation for Expulsion

BREAKING AND ENTERING

Illegal or unauthorized entry.

First Violation

Required

Reprimand
Parent/Legal Guardian
Contact/Conference
Referral to Police Agency
and/or the Courts
Contact/Conference
Restitution/Restoration

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Referral to Police Agency
and/or the Courts
Out-of-School Suspension (All Grades)
Recommendation for Expulsion (Grades 6-

Optional

Recommendation for Expulsion (K-5)
Referral to Alternative Programs (K-5)

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Referral to Police Agency and/or the Courts

Out-of-School Suspension

Optional

Referral to Social Services
Agencies

Optional

Referral to Social Services Agencies
Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

BULLYING

Bullying is any intentional written, electronic, verbal or physical act or actions against another person, or group of persons, with repeated direct or indirect negative actions which is harmful to the victim either physically or emotionally. A negative action occurs when a person knowingly inflicts, or attempts to inflict physical or emotional injury or discomfort upon another person, as further defined in Section 4112D, Title 14 of the Delaware Code.

First Violation

Required

Parent / Legal Guardian
Contact/Conference
Contact/Conference
Referral to Counselor

Optional

In-School Penalty
Removal from class
Disciplinary Agreement
In-School Suspension
Out-of-School Suspension

Subsequent Violations

Required

Parent / Legal Guardian
Out-of-School Suspension

Optional

Removal from class
Behavior Contract
Referral to Alternative Programs
Out-of-School Suspension
Expulsion

CONSPIRACY TO VIOLATE STUDENT CODE

When two or more persons (students or non-students) conspire together to commit an offense which violates the law or Student Code of Conduct. This violation applies even if a student does not actually commit an offense but simply conspires or participates in planning/plotting the violation of the law or Code of Conduct.

First Violation

Required

Parent / Legal Guardian
Contact/Conference
Contact/Conference

Subsequent Violations

Required

Parent / Legal Guardian
Reprimand

Reprimand	Restitution/Restoration
Restitution/Restoration	
Referral to Counselor	
<u>Optional</u>	<u>Optional</u>
In-School Penalty	In-School Suspension
In-School Suspension	Out-of-School Suspension
Out-of-School Suspension	Behavior Contract
Behavior Contract	Assignment to Alternative Program
Assignment to Alternative Program	Recommendation for Expulsion
Recommendation for Expulsion	

DEFIANCE OF SCHOOL PERSONNEL'S AUTHORITY

A verbal or non-verbal refusal to comply with a reasonable request from school personnel; refusal to identify oneself is an act of defiance.

First Violation

Required

Parent/Legal Guardian
Contact/Conference

Optional

In-School Penalty
Removal from Class
Disciplinary Agreement
Work Assignment
In-School Suspension
Out-of-School Suspension

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Out-of-School Suspension (Grades 6-12)
Reprimand

Optional

Removal from class
Work Assignment
Behavior Contract
Referral to Alternative Programs
Out-of-School Suspension (Grades K-5)

DISRUPTION ON THE SCHOOL BUS

Any misconduct on the school bus, disrespect to the driver, or vandalism to the bus. (SEE BUS REGULATIONS: APPENDIX C)

First Violation

Required

Parent/Legal Guardian
Contact/Conference
Restitution/Restoration
Reprimand

Optional

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Reprimand

Optional

Detention	Denial of Bus Transportation
Disciplinary Agreement	Detention
Denial of Bus Transportation	Disciplinary Agreement
Referral to Police Agency and/or the Courts	In-School Suspension
Out-of-School Suspension	Out-of-School Suspension
In-School Suspension	Referral to Police Agency and/or the Courts
In-School Penalty	Behavior Contract

EXPLOSIVES

Possession or detonation of incendiary devices, explosives, or any other items which may result in fire, burns, explosions or noxious fumes and odors or have the potential of causing injury, harm, damage or disruption. [examples: firecrackers, poppers, smoke bombs, caps, flares, flash paper, fireworks, sparklers, ammunition/bullets, etc.]

First Violation

Required

Confiscation
Parent/Legal Guardian
Contact/Conference
Restitution/Restoration

Optional

In-School Penalty
In-School Suspension
Out-of-School Suspension
Referral to Police and/or Court
(if item is illegal or used
to cause harm)
Assignment to Alternative Program
Recommendation for Expulsion

Subsequent Violations

Required

Parent/Legal Guardian Conference
Restitution/Restoration
Referral to Police and/or Court
(if item is illegal or Used to cause harm)
Out-of-School Suspension

Optional

Assignment to Alternative Program
Recommendation for Expulsion

EXTORTION

To obtain or attempt to obtain money, goods, or information from another by force or threat of force.

First Violation

Required

Parent/Legal Guardian
Contact/Conference
Restitution/Restoration
Out-of-School Suspension

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Refer to Police Agency

(Grades 6 - 12) and/or the Courts (Grades 4-12)
 Referral to Police Agency
 and/or the Courts (Grades 4-12)

<u>Optional</u>	<u>Optional</u>
In-School Penalty	Referral to Social Services Agencies
Recommendation for Expulsion	Behavior Contract
	Referral to Alternative Programs
	Recommendation for Expulsion

FALSE FIRE ALARM/BOMB THREAT/TAMPERING WITH FIRE AND OTHER SAFETY DEVICES

Making a "Bomb Threat," activating a fire alarm or initiating any false alarm which disrupts school activity or the orderly operation of the school or classroom. Students are strictly prohibited from tampering with or using any fire or other life safety devices such as fire extinguishers, emergency lights, fire drill instructions, building exit signs, etc. In addition, State law requires that any person convicted of making a false statement knowing the statement is likely to cause evacuation of a school or place of assembly or cause serious inconvenience shall, in addition to a possible prison sentence of up to 3 years for those 18 or older, and up to 1 year for those 17 or younger, be fined \$1,000 to \$2,500 and be required to perform a minimum of 100 hours of community service.

<u>First Violation</u>	<u>Subsequent Violations</u>
<u>Required</u>	<u>Required</u>
Parent/Legal Guardian Contact/Conference	Parent/Legal Guardian Contact/Conference
Restitution/Restoration	Referral to Police and/or Fire Marshall
Referral to Police and/or Fire Marshall	State Report Form Completed
State Report Form Completed	Out-of-School Suspension

<u>Optional</u>	<u>Optional</u>
In-School Suspension	Assignment to Alternative Program
In-School Penalty	Recommendation for Expulsion
Out-of-School Suspension	
Assignment to Alternative Program	
Recommendation for Expulsion	

FIGHTING

Aggressive physical conflict/combat between two or more individuals.

<u>First Violation</u>	<u>Subsequent Violations</u>
<u>Required</u>	<u>Required</u>
Reprimand	Parent/Legal Guardian Contact/Conference
Parent/Legal Guardian Contact/Conference	Restitution/Restoration
Restitution/Restoration	Out-of-School Suspension

<u>Optional</u>	<u>Optional</u>
In-School Penalty	Denial of Bus Transportation
Disciplinary Agreement	Referral to Social Service Agencies
In-School Suspension	Referral to Police Agency and/or the Courts
Denial of Bus Transportation	Behavior Contract
Out-of-School Suspension	Referral to Alternative Programs
Behavior Contract	Recommendation for Expulsion
Referral to Alternative Programs	
Recommendation for Expulsion	

FORGERY

Falsely or fraudulently signing or altering a document such as Hall Passes, Early Dismissal Notes, Progress Reports, Absence Excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others.

<u>First Violation</u>	<u>Subsequent Violations</u>
<u>Required</u>	<u>Required</u>
Parent/Legal Guardian Contact/Conference	Parent/Legal Guardian Contact/Conference
Reprimand	Out-of-School Suspension
	Behavior Contract

<u>Optional</u>	<u>Optional</u>
Behavior Contract	Assignment to Alternative Program
In-School Suspension	Referral to Police and/or Court
In-School Penalty	Recommendation for Expulsion
Out-of-School Suspension	
Referral to Police and/or Courts	

GAMBLING

Participation in games of chance for money and/or other things of value.

First Violation

Required

Reprimand
Parent/Legal Guardian
Contact/Conference

Optional

Removal from Class
Detention
Disciplinary Agreement
In-School Suspension
Out-of-School Suspension
Referral to Police Agency
and/or the Courts

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Out-of-School Suspension

Optional

Referral to Police Agency and/or the Courts
Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

GENERAL DISRUPTION OF THE ORDERLY EDUCATIONAL PROCESS

Behavior which disrupts any school activity or the orderly operation of the school, e.g., boycotts, sit-ins, walk-outs, property damage, etc. In addition, State law requires that any person who disturbs a school in session or willfully destroys school property shall be fined \$20 or imprisoned not more than 30 days or both.

First Violation

Required

Reprimand
Parent/Legal Guardian
Contact/Conference
Restitution/Restoration

Optional

In-School Suspension
In-School Penalty
Out-of-School Suspension
Referral to Police Agency
and/or the Courts
Disciplinary Agreement

Subsequent Violations

Required

Suspension

Optional

Referral to Police Agency and/or the Courts
Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

GENERAL SCHOOL/CLASSROOM DISRUPTION

Behavior which produces distractions, frictions, or disturbances which seriously or repeatedly interfere with the effective functioning of the teacher, student, class, or school.

First Violation

Required

Reprimand

Optional

Parent/Legal Guardian
Contact/Conference
Removal from class
In-School Penalty
Detention
Work Assignment
Restitution/Restoration
In-School Suspension
Out-of-School Suspension

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Removal From Class (as Appropriate to classroom disruption)

Optional

Disciplinary Agreement
Work Assignment
In-School Suspension
Out-of-School Suspension
Detention
Disciplinary Agreement

HARASSMENT

Actions or statements (spoken or written) which intimidate, offend, or defame the dignity or self-esteem of individuals or groups, including bullying. Sexual harassment is also included in this prohibition and includes unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature. Harassment may include, but is not limited to, displaying pictures or other items of a sexually explicit nature, verbal harassment or abuse, pressure for sexual activity, hazing, repeated remarks or jokes with demeaning implications, or other inappropriate/offensive behavior.

First Violation

Required

Parent/Legal Guardian
Contact/Conference
Restitution/Restoration
Reprimand

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Reprimand
Out-of-School Suspension
Behavior Contract

Optional

Behavior Contract
In-School Suspension
In-School Penalty
Out-of-School Suspension
Recommendation for Expulsion

Optional

Assignment to Alternative Program
Recommendation for Expulsion

INDECENT PROPOSITION/EXPOSURE

Any solicited or unsolicited sexual behavior and/or proposal.

First Violation

Required

Reprimand
Parent/Legal Guardian Contact/Conference
Out-of-School Suspension
(Grades 6 - 12)

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Out-of-School Suspension
Referral to Police Agency and/or the Courts

Optional

Out-of-School Suspension (K-5)
Referral to Police Agency and/or the Courts
Disciplinary Agreement (K-5)

Optional

Referral to Social Services Agency
Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

INFLAMMATORY ACTIONS

Language, gestures, or actions which create or which might create a disturbance.

First Violation

Required

Reprimand

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Reprimand

Optional

Parent/Legal Guardian Contact/Conference
Removal from class
In-School Penalty
Detention
Disciplinary Agreement
Restitution/Restoration
In-School Suspension
Out-of-School Suspension

Optional

Removal from class
In-School Penalty
Detention
Disciplinary Agreement
Restitution/Restoration
In-School Suspension
Out-of-School Suspension

LOITERING

A student's unauthorized presence in any school area.

First Violation

Required

Reprimand

Subsequent Violations

Required

Reprimand
Parent/Legal Guardian Contact/Conference

Optional

Parent/Legal Guardian Contact/Conference
In-School Penalty
Detention
Disciplinary Agreement
In-School Suspension

Optional

Detention
In-School Penalty
In-School Suspension
Out-of-School Suspension
Disciplinary Agreement

OFFENSIVE TOUCHING

Intentionally touching another person, either with a part of the body or with any instrument, thereby causing offense or alarm to the other person.

First Violation

Required

Reprimand
Parent/Legal Guardian Contact/Conference

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Out-of-School Suspension

Optional

Out-of-School Suspension
Referral to Police Agency and/or the Courts
Disciplinary Agreement
In-School Suspension
In-School Penalty

Optional

Behavior Contract
Referral to Alternative Program
Referral to Police Agency and/or the Courts
Recommendation for Expulsion

OFFENSIVE TOUCHING OF AN EMPLOYEE BY A STUDENT

A deliberate or spontaneous physical touching, bumping, or hitting of an employee by a student done in an intimidating, provoking, abusive, alarming or endangering manner.

First Violation

Required

Reprimand
Out-of-School Suspension
Parent/Legal Guardian
 Contact/Conference
Referral to Police Agency
 and/or the Courts
Behavior Contract
Restitution/Restoration
 if Appropriate

Optional

Recommendation for Expulsion

Subsequent Violations

Required

Out-of-School Suspension
Parent/Legal Guardian Contact/Conference
Referral to Police Agency and/or the Courts
Recommendation for Expulsion
Restitution/Restoration if appropriate

OUT-OF-SCHOOL CONDUCT

The Code of Conduct 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 other students. 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.
- felony charges.
- the sale, transfer or possession of drugs which would constitute an offense punishable by law.

(A student who is found to possess drugs out of school for personal use only and who enters and successfully finishes a drug counseling/treatment program will not be disciplined under the Code of Conduct.)

PERSONAL INTIMACY ACTS

Hugging, kissing, or other acts of affection or intimacy inappropriate to an educational setting. This includes the possession, display, or use of pornographic material.

First Violation

Required

Reprimand

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
In-School Suspension

Optional

Parent/Legal Guardian
 Contact/Conference
In-School Penalty
In-School Suspension
Out-of-School Suspension

Optional

Out-of-School Suspension

POSSESSION OF COMMUNICATION DEVICES

The use of communications devices such as, but not limited to, mobile or cellular phones and electronic pagers ordinarily have no place in the school environment. The unauthorized possession of such communication devices and other devices that may be disruptive to the educational process is prohibited. Possession is defined as the display or use of such a device and includes any unauthorized active or passive use of any features within the school setting.

First Violation

Required

Confiscation (temporary)
Contact/Conference
Reprimand
Parent/Legal Guardian
 Contact/Conference

Subsequent Violations

Required

Parent/Legal Guardian
Out-of-School Suspension
Confiscation

Optional

In-School Suspension
Out-of-School Suspension

Optional

Behavior Contract
Recommendation for Expulsion

POSSESSION AND/OR CONCEALING OF WEAPONS/DANGEROUS INSTRUMENTS

Possessing or concealing articles commonly used or designated to inflict bodily harm or to intimidate other persons (look alike and non-functional weapons are included) or using in an aggressive manner articles commonly designated for other purposes. For example, razor blades or knives of any size are strictly prohibited. The presence of a weapon in a student's locker, automobile, purse, bookbag, or similar container is considered to be possession by that student.

First Violation

Required

Confiscation/Locker Search
Out-of-School Suspension
Parent/Legal Guardian

Subsequent Violations

Required

Confiscation/Locker Search
Parent/Legal Guardian Contact/Conference
Restitution/Restoration

Contact/Conference
Referral to Police Agency
and/or the Courts
Restitution/Restoration

Out-of-School Suspension
Referral to Police Agency and/or the Courts
Recommendation for Expulsion

Optional

Denial of Bus Transportation
Behavior Contract
Referral to Alternative Program
Recommendation for Expulsion

Optional

Denial of Bus Transportation
Referral to Alternative Program

The State law prohibiting possession of a weapon in a safe school zone requires that a student who violates this statute shall be expelled for not less than 180 school days.

POSSESSION, SALE, PURCHASE, TRANSFER, OR USE OF ALCOHOL, DRUGS, OR ANY ILLEGAL SUBSTANCE

The possession, use and/or distribution of or intent to possess, sell, transfer, or purchase alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia. Being under the influence of alcohol, drugs, or illegal substances is considered possession. The presence of alcohol, drugs, or any illegal substance in a student's locker, automobile, purse, bookbag, or similar container is considered to be possession by that student.

First Violation

Required (All Incidents)

Confiscation/Locker Search
Reprimand
Parent/Legal Guardian
 Contact/Conference
Out-of-School Suspension
Referral to Police Agency
Agencies
 and/or the Courts
Recommendation to Social
 Service Agencies to involve
 student and parents in
 approved Intervention or
 Recovery Program(s)
Recommendation for Expulsion

Subsequent Violations

Required (All Incidents)

Confiscation/Locker Search
Parent/Legal Guardian Contact/Conference
Out-of-School Suspension
Referral to Police Agency and/or the Courts
Recommendation for Expulsion
Recommendation to Social Service

to involve student and parents in
approved Intervention or Recovery
Programs

RECKLESS DRIVING

Driving any vehicle on school property or while under the jurisdiction of school authority with disregard for the safety of persons and/or property.

First Violation

Required

Reprimand
Parent Legal Guardian
 Contact/Conference
Restitution/Restoration
Denial of Driving Privileges

Optional

Disciplinary Agreement
In-School Suspension
Out-of-School Suspension
Referral to Police Agency
 and/or the Courts

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Referral to Police Agency and/or the Courts

Optional

Behavior Contract
Recommendation for Expulsion

ROBBERY

Felonious taking of personal property in the possession of another against his/her will, accompanied by means of force or fear.

First Violation

Required

Reprimand
Parent/Legal Guardian
 Contact/Conference
Out-of-School Suspension
Referral to Police Agency
 and/or the Courts
Restitution/Restoration

Optional

Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Referral to Police Agency
Referral to Alternative Programs
Recommendation for Expulsion

STEALING/POSSESSING/TRANSFERRING OF STOLEN GOODS

The act of taking, possessing, or transferring the property of another without consent of the owner.

First Violation

Subsequent Violations

Required

Confiscation/Locker Search
Reprimand
Parent/Legal Guardian
 Contact/Conference
Restitution/Restoration
Out-of-School Suspension
 (grades 6 - 12)

Required

Confiscation/Locker Search
Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension

Optional

Out-of-School Suspension
 (grades K - 5)
Referral to Police Agency
 and/or the Courts

Optional

Referral to Police Agency and/or the Courts
Behavior Contract
Recommendation for Expulsion

TERRORISTIC THREATENING

A threat or attempt to injure or do bodily harm to another person with or without physical contact.

First Violation

Subsequent Violations

Required

Reprimand
Parent/Legal Guardian
 Contact/Conference
Restitution/Restoration

Required

Reprimand
Parent/Legal Guardian Contact/Conference
Restitution/Restoration

Optional

Out-of-School Suspension
Behavior Contract
In-School Suspension
Detention
In-School Penalty
Recommendation for Expulsion

Optional

Out-of-School Suspension
Behavior Contract
In-School Suspension
Assignment to Alternative Program
Recommendation for Expulsion

TERRORISTIC THREATENING OF EMPLOYEE BY A STUDENT

A threat or attempt to injure or do bodily harm to a district employee with or without physical contact.

First Violation

Subsequent Violations

Required

Parent/Legal Guardian
 Contact/Conference
Out-of-School Suspension
Restitution/Restoration
Referral to Police and/or Courts

Required

Parent/Legal Guardian Contact/Conference
Out-of-School Suspension
Restitution/Restoration
Referral to Police and/or Courts
Behavior Contract

Optional

Assignment to Alternative
 Program
Behavior Contract
Recommendation for Expulsion

Optional

Assignment to Alternative Program
Recommendation for Expulsion

TOBACCO/TOBACCO PRODUCTS

To possess, use, dispense, transfer, or sell tobacco or tobacco products.

First Violation

Subsequent Violations

Required

Confiscation/Locker Search
Parent/Legal Guardian
 Contact/Conference
Reprimand

Required

Confiscation/Locker Search
Parent/Legal Guardian Contact/Conference
Reprimand
Out-of- School Suspension

Optional

In-School Suspension
Out-of-School Suspension
Detention

Optional

Recommendation for Expulsion

TRESPASSING

The action by a student, including suspended or expelled students, of being inside or on the property of a public school, not having a legitimate reason for being there, and not having written permission from anyone authorized to grant such permission.

First Violation

Required

Reprimand
Parent/Legal Guardian Contact

Optional

Out-of-School Suspension
Referral to Police Agency
and/or the Courts
Written Reprimand and Warning

Subsequent Violations

Required

Parent/Legal Guardian Contact
Out-of-School Suspension
Referral to Police Agency and/or the Courts

Optional

Recommendation for Expulsion

TRUANCY AND CLASS CUTTING

Absence without authorization or approved reason from school or class.

First Violation

Required

Reprimand

Optional

Parent/Legal Guardian
Contact/Conference
Detention
Disciplinary Agreement
In-School Suspension

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Disciplinary Agreement
Reprimand

Optional

Removal from class
Detention
In-School Suspension
Out-of-School Suspension with
District approval
Referral to the Courts
Referral to Alternative Programs

UNAUTHORIZED COMPUTER USE

Any use of a school computer for unauthorized purposes such as, but not limited to, copying software; inappropriate internet or e-mail usage; loading unauthorized software on a hard drive; tampering with databases, passwords or configurations; or any unauthorized altering or deleting of files.

First Violation

Required

Reprimand
Parent/Legal Guardian
Contact/Conference
Restitution/Restoration

Subsequent Violations

Required

Reprimand
Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Loss of Computer Use Privilege

Optional

Detention
Behavior Contract
In-School Suspension
In-School Penalty
Out-of-School Suspension
Recommendation for Expulsion

Optional

Detention
Behavior Contract
In-School Suspension
Out-of-School Suspension
Recommendation for Expulsion

VANDALISM

The willful or malicious destruction or defacing of school/district property or the property of others. In addition, State law requires that any person who disturbs a school in session or willfully destroys school property shall be fined \$20 or imprisoned not more than 30 days or both.

First Violation

Required

Reprimand
Parent/Legal Guardian
Contact/Conference
Restitution/Restoration

Optional

Disciplinary Agreement
Work Assignment
In-School Suspension
Denial of Bus Transportation
Out-of-School Suspension
Referral to Police Agency
and/or the Courts
Behavior Contract

Subsequent Violations

Required

Parent/Legal Guardian Contact/Conference
Restitution/Restoration
Out-of-School Suspension
Referral to Police Agency and/or the Courts

Optional

Work Assignment
Denial of Bus Transportation
Behavior Contract
Referral to Alternative Programs
Recommendation for Expulsion

* * * * *

Following the fourth (4th) out-of-school suspension in any one school year, the student will be placed on a Behavior Contract.

A Behavior Contract is a written agreement of conditions to be met by the student which, if broken, may result in a recommendation for expulsion. Such agreement is made by the student and parent(s) with the administration of the school in which the student is enrolled.

Prior to declaring a Behavior Contract violated, the building administration may ask for a review by the Superintendent or designee to determine the appropriate course of action for the student.

The Board of Education shall be notified of all recommendations for expulsion.

SCHOOL POLICE RELATIONSHIPS

To insure that both students and parents are aware of the required relationship between the school and the police agencies, the following excerpts are provided from the Memorandum of Agreement between the Board of Education of the Colonial School District and Law Enforcement Agencies in New Castle County. The text of the complete agreement will be provided upon request to the School District Office.

ADOPTED BY BOARD OF EDUCATION:
AUGUST 4, 1981

REVISED:

- JUNE, 1982
- AUGUST, 1985
- JUNE, 1986
- JULY, 1990
- JULY, 1991
- JANUARY, 1993
- JUNE, 1993
- JANUARY, 1994
- AUGUST, 1994
- MARCH, 1995
- JULY, 1995
- FEBRUARY, 1996

EDITED:

- JULY, 1998
- JULY, 1999
- JULY, 2000
- JULY, 2001
- JULY, 2002
- JULY, 2003
- JULY, 2004
- JULY, 2005
- JULY, 2006
- JULY, 2007
- FEBRUARY, 2008
- JULY, 2008
- JULY, 2009

A. School officials are charged with the responsibility to provide for the safety of students and for the security of school property. School officials shall report promptly evidence of criminal offenses which occur in the school environment, including incidents which occur on school buses and during any school function whether on or off school property. Additionally, evidence of those crimes which have occurred outside the school environment but which come to the attention of school authorities should be reported. The Delaware Code mandates reporting of the offenses listed in 14 Del. C., section 4112; a substantial fine can be assessed against any superintendent, principal, or school employee who fails to make such a mandatory report.

Crimes for which police reports are mandated by law are the following:

1. Violent felony, Assault III, Unlawful Sexual Conduct III committed by anyone against a student or school volunteer on school property or at school function
2. Violent felony, Assault III, Unlawful Sexual Conduct III committed by anyone against a school employee on school property or at school function
3. Possession of a controlled substance or possession of a weapon or dangerous instrument by anyone on school property or at school function.

B. In addition to the offenses listed in Section A. above, the Colonial School District requires police notification of the following offenses when committed by students on school property or at a school function. This list is not all inclusive. Other incidents of a potentially serious or violent nature must also be reported.

- Arson
- Attempted rape or rape
- Breaking and entering
- Extortion

Indecent proposition/exposure (2nd offense)
Reckless driving (2nd offense)
Robbery
Trespassing (2nd offense)
Vandalism (2nd offense)

C. FILING OF CHARGES

In any instance in which a student, parent or guardian is found to have committed an assault, offensive touching, terroristic threatening, or an extortion under 14 Del.C., section 4112(b) against a school employee, the superintendent or his designee shall, without unreasonable delay, file the appropriate charge against the student, parent, or guardian.

COLONIAL SCHOOL DISTRICT ATTENDANCE POLICY

All students are expected to attend school each day that it is in operation during the regular school year unless properly excused in accordance with state regulations.

Excuses recognized as valid are the following:

- *Illness of the student
- *Medical diagnosis and/or treatment
- *Death in the immediate family; funerals of other relatives or close friends, not to exceed one day if in the locality or three days if outside the state
- *Contagious disease in the home of the child subject to regulations of the Division of Public Health, Department of Health and Social Services
- *Legal business requiring the student's presence
- *Suspension or expulsion from school
- *Observance of religious holidays
- *Approved college visits
- *Authorized school-sponsored activities

In addition, the Superintendent or designee shall have the authority to approve other absences. For any absence, students are required to present a written excuse signed by a parent/guardian. Such excuses shall be kept on file in the school for the current school year. A physician's validation may be required at any time. Parents/guardians of such students may be subject to legal penalties under the Delaware Code. Schools will take action regarding unexcused absences including, but not limited to, written communications, home visits, required parent/guardian conferences, and referral of the parent and/or student for prosecution.

Students shall have the opportunity to make up school work missed during all excused absences, except for absences due to expulsion or extended suspensions. Since attendance is closely related to achievement, schools will make reasonable attempts to contact parents/guardians regarding absences and will call upon whatever resources are available within the school district and the community to ensure good attendance.

Official notice concerning cumulative absences will be given to parents/guardians periodically; at a minimal level, such notice shall accompany report cards.

TRANSPORTATION CONDUCT OF PUPILS

The following rules can be enforced only with the cooperation of every person concerned with transportation. Observance of these rules will insure safety, prompt arrivals and departures of buses, and proper attitudes on the part of pupils. Good citizenship will be promoted. Violations of these rules may result in the suspension of bus riding privileges.

- A. Pupils must obey the driver promptly and be courteous to him/her and to fellow pupils. The driver is in full charge of the bus and pupils and has the authority of a classroom teacher.
- B. Pupils must be on time. The bus has to run on schedule and cannot wait for those who are tardy.
- C. Pupils should never stand or play on the roadway while waiting for the bus.
- D. Before boarding the bus, pupils must keep a safe distance from it while it is in motion.
- E. Pupils must enter the bus without crowding or disturbing others and occupy their seats immediately.
- F. Pupils must not try to get on or off the bus when it is in motion. When on the bus they must remain seated until the bus comes to a complete stop.
- G. Pupils must keep out of the driver's seat and remember that unnecessary conversation with the driver is prohibited while the bus is in motion.
- H. Pupils must follow all highway safety practices in accordance with Delaware laws. They must walk on the left side of the road facing traffic when going to or from the bus or bus stop along the highway. Before crossing the road to board the bus or after being discharged from the bus, they are to cross only when traffic has come to a stop and the driver has given an audible clearance signal. They must cross in front of the bus far enough to be seen by the driver at all times.
- I. In crossing the street or highway at any time, pupils should look both to the right and to the left, then WALK --- not run.
- J. Outside ordinary conversation in normal tone, classroom conduct is to be observed when on the bus.
- K. Pupils must not call out to passersby. They should not open the bus windows without permission from the driver nor extend head or arms out of the windows.
- L. Pupils shall not leave the bus without the driver's consent, except on arrival at their regular bus stop or at school.
- M. Pupils should help to keep the bus clean, sanitary, and orderly. They must not damage or abuse the equipment.
- N. Pupils are not permitted to smoke while on the bus.
- O. Pupils must not use profanity while on the bus.

- P. Pupils must not throw articles of any kind in, out, or around the bus.
- Q. Pupils are not to eat or drink while on the bus.
- R. Other forms of misconduct that will not be tolerated are acts such as, but not limited to, indecent exposure, obscene gestures, and spitting.
- S. Pupils are to conduct themselves while on the bus in such a way that it will not distract the driver from his or her job of driving.

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