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126 Main Street
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2015-2016

Student

CODE OF CONDUCT



Appoquinimink School District

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Appoquinimink School District
 THE WORLD IS OUR CAMPUS

APPOQUINIMINK SCHOOL DISTRICT

Student Code of Conduct

Notification of Rights under the Family Education Rights and Privacy Act (FERPA)

Student Rights and Responsibilities
Grades Kindergarten through 12th
School Year 2015-2016

This document is not all-inclusive nor does it restrict the Appoquinimink School District and/or Board of Education's authority to take actions that are appropriate to maintain a safe and orderly educational environment.

The Appoquinimink School District does not discriminate on the basis of race, color, gender, religion, age, disability, marital status, national origin, or other legally protected categories in its educational programs, activities, employment, or student admissions policies or practices. Inquires regarding compliance with the above can be directed to:

Section 504: Contact Kittie Rehrig, Assistant to the Superintendent, Appoquinimink School District, 313 South Fifth Street, Box 4010, Odessa, DE 19730. Telephone (302) 376-4111

Section 504 Coordinator's Responsibilities: To coordinate the Appoquinimink School District's efforts to comply with the disability discrimination laws

Title IX: Contact Matt Fallis, Director of Personnel, Appoquinimink School District, 313 South Fifth Street, Box 4010, Odessa, DE 19730. Telephone (302) 376-4275

Title IX Coordinator's Responsibilities: To coordinate the Appoquinimink School District's efforts to comply with and carry out the District's responsibilities under Title IX, including any investigation of any complaint alleging noncompliance with Title IX or alleging actions which would be prohibited by Title IX

APPOQUINIMINK SCHOOL DISTRICT
Board of Education

Mr. Norm Abrams
Mrs. Charlisa Edelin
Mr. Richard Forsten
Mrs. Michelle Wall
Mrs. Kelly Wright

Mr. Matthew Burrows, Superintendent
Dr. Sharon Pepukayi, Assistant Superintendent
Dr. Thomas J. “TJ” Vari, Assistant Superintendent

Appoquinimink School District
313 South Fifth Street, Box 4010, Odessa, DE 19730-4010

Acknowledgement: Student Code of Conduct

This Student Code of Conduct is a document designed to provide rules, expectations, and consequences for student behavior. We ask that you review the Student Code of Conduct with your child (ren) and have a discussion regarding school expectations. In addition, Appendix IV is a copy of the Appoquinimink School District's Educational Technology – Acceptable Use Policy. In order for your child to use educational technology, this policy must be reviewed and the parents must sign below.

Please sign below and have your child sign to acknowledge that you have received a copy of the Student Code of Conduct, the Acceptable Use Policy, and the Notification of Rights under the Family Education Rights and Privacy Act (FERPA). Return the signed sheet to your child's homeroom teacher by September 3, 2015.

SIGN AND RETURN

This is to confirm that I have received a copy of the Appoquinimink School District Student Code of Conduct, the Appoquinimink School District Acceptable Use Policy (See Appendix IV), and the Notification of Rights under the Family Education Rights and Privacy Act (FERPA) (See Appendix VII)



Student Name (Please Print)



Student Signature / Date



Parent Signature / Date

***Return the signed sheet to your child's homeroom teacher by
September 3, 2015.***

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CHAPTER I: INTRODUCTION

The mission of the Appoquinimink School District (the “District”) is to provide opportunities and resources in a safe, nurturing and positive learning environment for all students to acquire and develop the knowledge, understanding, skills and attitudes to be responsible and contributing members in a rapidly changing and complex global society.

Schools must therefore, be free from disruptions, which interfere with teaching and learning activities. Students, parents/guardians, and school staff must assume a responsible role in creating a positive environment and promoting behavior that encourages learning and the development of individual potential.

Students, parents/guardians, and staff are encouraged to become familiar with the entire contents of this document.

WHAT IS THE STUDENT CODE OF CONDUCT?

The Student Code of Conduct is an official declaration of the Appoquinimink School District Board of Education (the “District Board”) which:

- Specifies the responsibilities and rights of students
- Defines attendance responsibilities
- Defines conduct that disrupts a positive environment
- Standardizes procedures for disciplinary action
- Defines grievance procedures
- Incorporates excerpts from State and Federal laws and regulations

Provisions in the Student Code of Conduct apply to all students in Grades K-12. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. Students have a greater responsibility for their actions as they increase in age.

A copy of the Student Code of Conduct is given to each student on school entry. Orientation to the Student Code of Conduct is held in each school at the beginning of the school year.

WHEN IS THE STUDENT CODE OF CONDUCT IN FORCE?

The Student Code of Conduct is in force:

- on school property prior to, during, and following regular school hours when school is in session or when school activities are in operation.
- while students are on the school bus or in a district vehicle for any reason.
- when a student’s conduct to and from school and/or at the bus stop has a harmful effect on the other students, the community or on the orderly educational process.
- at all school and district sponsored events and other activities where school administrators have jurisdiction over students.

- off campus. The District and/or the District Board has the authority to suspend or expel students for activities occurring off of school premises when a student’s out-of-school conduct indicates that the student presents a threat to the health, safety, or welfare of other students and staff. The receipt of an Attorney General’s notice that a student has been arrested for a crime that may jeopardize the health, safety, or welfare of other students and staff is sufficient evidence to warrant the initiation of disciplinary action.
- For bullying or harassment occurring out-of-school, if the act interferes with the educational rights of another student or causes a substantial or material disruption of the school environment.

That portion of the Student Code of Conduct which protects school buildings and grounds is always in force.

The Student Code of Conduct is not all-inclusive and a student committing an act of misconduct not listed may be subject to the authority of the principal or designee. Serious or excessive behavior that necessitates a more severe disciplinary action than that which is listed shall be subject to the discretionary authority of the principal and the Superintendent. This may include a recommendation for expulsion.

Any student who hinders an investigation or any student who aids, is involved with the planning, or helps another student in any way in an act which violates the Student Code of Conduct may be subject to the same disciplinary action as the individual who committed the violation.

HOW IS THE STUDENT CODE OF CONDUCT ADMINISTERED?

Procedures for making disciplinary referrals:

All teachers are expected to use reasonable behavior management techniques in the classroom prior to referring a student to a building administrator for disciplinary action. An administrator or designee administers the Student Code of Conduct when a student has been referred because of misbehavior. Identifying the specific Student Code of Conduct violation and corresponding disciplinary action is the responsibility of the administrator or designee. The decision of the administrator or designee is final subject only to a grievance as per the grievance procedures outlined in Chapter IV.

Possession of items in a locker, motor vehicle, or bookbag/purse:

Lockers. The District presumes a student possesses, and is responsible for, all items found in the student’s locker. **Regularly check the contents of your locker.** If you fail to lock your locker, or provide others access to your locker, you remain responsible for items found in your locker. 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.

Motor Vehicles. The District presumes a student possesses, and is therefore responsible for, all items in the student’s motor vehicle (“car”). This presumption applies to any car you drive to school without regard to who owns

the car. **Before you bring a car to school, or a school activity, carefully inspect the car.** If you fail to lock your car, or permit others access to your car, you remain responsible for items found in your car.

Bookbag/Purse. The District presumes a student possesses, and is therefore responsible for, all items found in the student's bookbag, purse, or similar bag or container used to carry books or personal property (referred to as "bookbag"). **Regularly check the contents of your bookbag.** If you fail to secure your bookbag, or provide others access to your bookbag, you remain responsible for items found in your bookbag.

WHAT IS A GOOD SCHOOL ENVIRONMENT?

A good school environment is best described as:

- SAFE, POSITIVE and SUPPORTIVE
- Providing a range of educational opportunities
- Making improvement of student behavior the primary goal of disciplinary action
- Protecting students from behavior which threatens their health, safety, or welfare, or which interferes with learning
- Being free of drugs, weapons, and illegal harassment

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. Utilizing the positive behavior support (PBS) process, the school staff establishes common expectations for students. The expectations are taught to all students, and students are reinforced for appropriate behavior.

CONFLICT RESOLUTION/MEDIATION

It is the philosophy of the 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. The District supports implementation of Positive Behavior Support which promotes healthy character development for all students as well as proactive strategies at the building, classroom, and individual level to prevent problematic behaviors.

WHO ESTABLISHES A GOOD SCHOOL ENVIRONMENT?

The Student Code of Conduct recognizes the need for a working, cooperative relationship among students, parents/guardians, 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 encouraged to be 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
- Maintain up-to-date home, work, and emergency numbers at the school
- Ensure that their child is in daily attendance 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
- 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
- Dialogue with parents, students, and other employees in a manner that reflects professionalism and caring
- 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 and the District Board
- Seek changes in an orderly and approved manner
- Maintain an atmosphere which encourages good behavior and active learning
- Plan a flexible curriculum to meet the needs of all students
- Develop good working relationships 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

CHAPTER II: STUDENT RESPONSIBILITIES AND RIGHTS

Within every school, the principal has the responsibility and authority for maintaining an orderly educational process. The District guarantees students' rights as allowed by state and federal laws, regulations, and the rules and regulations of the District Board.

ATTENDANCE

Attendance is compulsory for those between the ages of 5 and 16. The district shall comply with all attendance laws and regulations of the state.

Students must attend school each day it is in session. The following conditions only will result in an excused absence:

- Illness of the student
- Medical diagnosis and/or treatment
- Death in the immediate family; funerals of other relatives or close friends, not to exceed five days
- 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 during the junior or senior year
- Authorized school-sponsored activities

If a student is absent for more than 50% of his or her total day's classes, the student cannot participate in any school sponsored after-school activities (except when excused by a building administrator or designee based on official documentation of a medical appointment or court date).

Absences for any other reason shall be considered unexcused. Students who are absent for three days or more without a legal excuse shall be considered truant. A referral shall be made to the visiting teacher/social worker who shall take appropriate action.

No student under the age of 18 may withdraw from school unless his/her parent/guardian signs a formal withdraw form. The visiting teacher/social worker shall use whatever resources are available to assist and encourage the student to complete his/her education.

The Superintendent or designee shall develop specific procedures for tracking attendance and for referral and intervention in cases of violation of school attendance law.

If a student has been absent from school without a valid excuse 1 or more days, the principal of the school may take such action as the principal considers appropriate.

Unexcused Absence: An unexcused absence from school or class is an absence:

1. Which is for a reason not listed as excused or

2. About which the parent/guardian has no knowledge or
3. For which the parental note of explanation is not provided on or before the fifth day of the student's return to school following the absence

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 are absent for more than fifteen (15) minutes of a class may 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 two (2) weeks 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. Prearranged absences will not be approved during the state testing, PSAT, AP exams, midterm exams, and final exams.

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.

Long Term Leave: For high school students on a block schedule (9th – 12th) who relocate out of state for any time longer than a 5 school day vacation and for students kindergarten through eighth grade who relocate out of state for any time longer than a 10 school day vacation, the parent/guardian must provide documentation that the student has relocated out of state and the student must be withdrawn. The parent/guardian must re-enroll the student in the District once the family returns to the area. The school cannot ensure that the student will be able to be placed back in the original classroom.

Deployment Related Absences: The Appoquinimink School District will grant up to five days excused absences for military-connected students whose immediate family member is experiencing a deployment. The conditions under which the school may approve excused absences are: (1) the absence is preapproved; (2) the student is in good standing; (3) the student has a prior record of good attendance; (4) missed work is completed and turned in within the allotted time period; and (5) the absence is not during standardized testing dates.

The District is responsible for reporting violations of the attendance laws of the State of Delaware. In compliance with Delaware Code (Title 14, Chapter 27) the following will occur:

Compulsory Attendance Requirements:

For children in grades K through 12: The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year.

(1) Following the 10th day of unexcused absence by a student, the school shall immediately notify the parents/guardian and a visiting teacher for the district shall visit the student's home;

(2) Following the 15th day of unexcused absence by a student, the student's parents/ guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;

(3) Following the 20th day of unexcused absence by a student, the school shall refer the case for prosecution;

(4) Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.

Following the tenth unexcused day of attendance by a student in grades 6 through 12 inclusive, the building principal shall notify a visiting teacher of such unexcused days. If contacted by the school, each parent or guardian of a student shall sign a contract with the district agreeing they will make every reasonable effort to:

- (1) Have their child or children abide by the school code of conduct;
- (2) Make certain their child attends school regularly; and
- (3) Provide written documentation for the reasons for any absence.

Parents/Guardian: A parent who is determined to have violated § 2702 of this title is guilty of an unclassified misdemeanor and shall be sentenced as follows:

(1) For a first offense, a fine of not less than \$25 nor more than \$300, or imprisonment for not more than 10 days or both;

(2) For a second offense, a fine of not less than \$50 nor more than \$500, or imprisonment for not more than 20 days or both;

(3) For a third or subsequent offense, a fine of not less than \$230 nor more than \$1,150, or imprisonment for not more than 30 days or both.

To the extent possible the fine shall be commensurate with the number of days the student was absent from school without valid excuse. The court may order the parent to perform unpaid community service in lieu of a fine. The court may require that all or part of the service may be performed for a public school district.

Student: If the Court determines the student has violated § 2702 of this title, it shall adjudicate the student a truant and may order the following remedial dispositions: Community service; Counseling; Substance abuse evaluation and treatment; Mental health evaluation and treatment; A curfew with hours set by the court; Suspension or revocation of any permit held by the student, including a work permit or a driver's permit; Suspension or revocation of any license held by the student, including a driver's license or a hunting license; Prohibition of the student's participation in or attendance at any extra-curricular activity or social event which is an official school event or is sponsored by the school or held on school property; A recommendation that the student enroll in the school in alternative educational and related services in accordance with Chapter 16 of this title; and Such other action as is permitted by statute or by court rule.

BUS PRIVILEGES

The Student Code of Conduct will apply to all violations to and from school, at the bus stop, and while boarding, riding, or exiting buses. Violation of these rules may result in the suspension of bus-riding privileges. Students must follow bus safety regulations as follows:

1. Students must obey the driver promptly and be courteous to him/her and to other students. The driver is in full charge of the bus and students and has the authority of a classroom teacher.
2. Students must be at the bus stop at least ten (10) minutes before the scheduled time; the bus has to run on schedule and cannot wait for those who are late.
3. Students should never stand in, or play on, the roadway while waiting for the bus.
4. Before boarding the bus, students must keep a safe distance from it while it is in motion.
5. Students must not get on or off the bus while it is in motion.
6. Students must enter the bus without crowding or disturbing others and occupy their seat immediately.
7. Students must keep out of the driver's seat.
8. In crossing the street at any time, students should look both to the right to the left, and then walk across.

9. Students are permitted to talk quietly on the bus and classroom conduct is to be observed while on the bus.
10. Students must not call out to passers-by. They should not open the bus window without permission from the driver or extend head or arms out of the window.
11. Students should not leave the bus without the driver's consent, except on arrival at their regular bus stop or at school.
12. Students should help to keep the bus clean, sanitary and orderly. They must not damage or abuse the equipment.
13. Students must sit facing the front of the bus.
14. Students are not permitted to smoke while on the bus.
15. Students must not use profanity while on the bus.
16. Students must not throw articles of any kind out of or around the bus.
17. Students are not to eat or drink while on the bus.
18. Students are not permitted to harass, intimidate or fight on the bus.
19. Other forms of misconduct that will not be tolerated are acts such as, but not limited to, indecent exposure, obscene gestures, or spitting.
20. Students must remain in their seat and keep aisle clear.
21. Students must stay seated until the bus comes to a complete stop.
22. Students are not permitted to tamper with emergency doors, controls, or windows.
23. In approaching the bus or a bus stop along the highway, students should walk on the left side of the road facing traffic. Students should be sure that the road is clear of all traffic or that all traffic has stopped before crossing. Upon leaving the bus, students should immediately walk around the front of the bus and stop before crossing. Students should make sure that the road is either clear of all traffic or that all traffic has come to a complete stop before crossing.
24. Large items such as band instruments, shop projects, sports equipment, skateboards and other school projects shall not be permitted on the bus if they interfere with the driver or other passengers. The aisle, exits, and driver's vision shall not be blocked.
25. Due to food allergies, only lunches or snacks will be allowed on the bus. All food items must be kept in lunch box, bag, closed container or backpack.
26. All students must ride the bus they are assigned to. If there is an emergency that requires a student to ride another bus, a note signed by the parent and building principal will be given to the bus driver before they will be allowed to board the bus.
27. Parents/guardians are not allowed to enter the bus. Any concerns must be addressed with the building administrator and/or the bus contractor.
28. Students must get on and off the bus at their designated bus stop.

COMPUTER USAGE

Students must adhere to the District's Educational Technology Acceptable Use Agreement, which incorporates the State policy, before they may make use of district technology, including Internet access. (See appendix IV)

COUNSELING

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 personal 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/guardians 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/be referred to appropriate counseling for personal and educational problems within a reasonable amount of time
3. To have access to counselors/advisors on the staff

CURRICULUM

Philosophical Basis

Highly qualified professionals collaborate to produce curricula that are consistent with established standards and best practices in a given subject area. Textbooks are selected based on the extent to which they support an established curriculum. For self selected reading, the district believes that it is every parent's right to parent based upon their personal values, therefore, the district believes that the onus for controlling the self-selected use of material must reside in the communication and relationship of the parent/guardian and child. Therefore, it is up to the parent to monitor the material that their minor child voluntarily withdrawals from school/district collections.

Rights

Students have the right:

1. To have access to clear and precise course descriptions
2. To participate in courses and programs appropriate to their individual needs at all grade levels

EVALUATION AND GRADING POLICY

Philosophical Basis

A grade is a measure of student achievement relative to district curricular goals and objectives. Grades serve to inform students, parents, teachers and administrators of the degree in which mastery has been attained and to help

teachers adjust instruction to meet the individual needs of all students. It shall be the responsibility of the superintendent to establish a process to develop, monitor and revise as needed, a fair, comprehensive procedure for teachers to follow when grading students.

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 ability
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 District's standardized record keeping system at the beginning of each course
2. To receive an academic grade that is based on the District's standardized record keeping 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

EXPRESSION

Philosophical Basis

Students have the right to express themselves through direct and symbolic means as long as such expression does not mock, demean, or ridicule other persons and groups; interfere with school activities or disrupt the educational process; or contain obscene, vulgar, inflammatory statements or is in any way detrimental to the welfare of other students.

Responsibilities

Students have the responsibility:

1. To act in a quiet, dignified manner during patriotic activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deeply held personal convictions.
2. To inform the school in writing of activities/policies which are in conflict with their religious beliefs and request alternative accommodations.

Rights

Students have the right:

1. To respectfully express their own opinions on issues
2. 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.)

HARASSMENT

Philosophical Basis

The District's intent is to foster human dignity and mutual respect in our schools. Harassment of any type contradicts that ideal. In addition, harassment can be a form of unlawful discrimination. No District student shall be subject to any type of harassment/bullying whether by fellow students or staff members.

The District's Board of Education has issued an Anti-Harassment Policy (See Appendix VII) which includes an anti-harassment section regarding sexual violence. This Policy is also posted on the District's website at <http://apposchooldistrict.com/>. The Policy prohibits and defines harassment including harassment based on race, color, religion (creed), national origin, sex, disability or sexual violence. Under this Policy, all employees, students, parents, and anyone associated with the District has the responsibility for ensuring that schools are free from all forms of prohibited harassment or violence. This includes conduct that creates a hostile environment including harassment or sexual violence that takes place in connection with all academic, educational, extra-curricular, athletic, and other programs of the District/Schools whether these programs or activities take place in a school facility, a school bus, at a class or training program sponsored by the District. This includes programs or activities on our school premises, at another location or elsewhere such as a class field trip or any sponsored and approved District program or activity regardless of location.

The District shall act to promptly investigate any and all complaints of harassment or sexual violence and to take appropriate action against any individual/s found to be in violation of our Policy. An investigation after the complaint is filed will take no longer than 60 calendar days.

As used herein, harassment means verbal or physical conduct at a location, place, or time where this Student Code of Conduct is in force, based on a person's race, color, religion (creed), national origin, sex, disability, or any other basis prohibited by State or Federal law, and which substantially interferes with a student's educational performance or creates an intimidating, hostile, or offensive educational environment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to that conduct is made, either explicitly or implicitly, a term or condition of a student's education.
- B. Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting the student.
- C. The conduct has the purpose or effect of substantially interfering with a student's educational performance, or creating an intimidating, hostile, or offensive educational environment.

Sexual Violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Such acts of sexual violence includes, but is not limited to, rape, sexual assault, sexual battery and sexual coercion. These are examples of sexual harassment in violation of District Policy.

REPORTING HARASSMENT

Any individual who believes that District Policy against harassment or sexual violence of a student has occurred or is occurring shall make a complaint of harassment. If a District representative knows or reasonably should suspect that a violation may be occurring, then immediate steps to investigate can begin without a complaint being filed. Allegations of harassment or sexual violence are not subject to the grievance procedures in Chapter IV of this booklet. Instead, all allegations of harassment or sexual violence should be made directly to the principal or any other person listed in the complaint procedure provided in our District Anti-Harassment Policy at Appendix VII.

The following are the District's designated harassment complaint officials: Dr. Sharon Pepukayi, Assistant Superintendent, 376-4105; Mathias J. Fallis, Director of Human Resources, 376-4127; or Ms. Kittie Rehrig, Assistant to the Superintendent, 376-4111.

If one of the harassment complaint officials is the person identified in the complaint of harassment, or if the reporting person is otherwise uncomfortable, for any reason, with reporting the unlawful harassment to the designated harassment complaint officials, or is otherwise not satisfied after bringing the matter to the attention of one or more of these individuals and/or the Principal, then the reporting person may bypass these individuals and instead report the matter promptly to Superintendent, 376-4101.

The District will investigate allegations of harassment or sexual violence in a prompt manner typically concluding within a 60 calendar day period. The District will notify the parents of any student who is under the age of 18 who may be investigated regarding confidentiality of the investigation. Any employee or student who is found, as a result of such investigation, to have engaged in harassment in violation of this policy, will be subject to appropriate disciplinary action, up to and including termination of employment of an employee or expulsion of a student. Furthermore, retaliation in any form against a person making a complaint of harassment under this policy, or who conducts, or cooperates in, the investigation of any such complaint, is strictly prohibited, and will itself be cause for appropriate disciplinary action.

Any questions regarding this policy should be addressed to one or more of the designated harassment complaint officials.

Responsibilities

Students have the responsibility:

1. Where the harasser is a student
 - a. to communicate directly to the person that their behavior is unacceptable and they want him/her to stop;
 - b. to inform and seek the advise of a teacher, counselor, or school administrator; and
 - c. to report the information to the principal if the situation is not resolved, or if the person informed pursuant to (b), *supra*, fails to take action to investigate and/or stop the alleged harassment or bullying.
2. Where the harasser is an employee or adult
 - a. to immediately inform the principal of the objectionable behavior and/or actions of the employee or adult, as well as the person's identity; or

- b. if principal is the person identified in the complaint, or if the student and/or the student's parent are uncomfortable communicating the complaint to the principal, for any reason, then to one, or more, of the designated harassment complaint officials.

Rights

Students have the right:

1. To learn in an environment free from harassment, including sexual harassment, sexual violence, or bullying. These forms of harassment are all defined in our policies.
2. To a prompt and fair investigation as possible.
3. To appropriate corrective or disciplinary action where warranted.
4. To not fear any retaliation for making a complaint under any of our policies.
5. To receive an education and participate in the activities and programs of the District free from harassment or sexual violence as defined by our Policy.

MARRIED/PREGNANT STUDENTS

Philosophical Basis

The right to an education shall not be abrogated for a particular student because of marriage or pregnancy. If a different school placement is found to be necessary for a pregnant or married student, the educational program shall be equivalent to that of the regular school.

Responsibilities

Students have the responsibility:

1. 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.)
2. To be referred to a marriage, pregnancy, or parenthood agency for counseling if they request it

Rights

Students have the right:

1. To remain in the regular school program or to attend a special program designed to meet their educational needs
2. To request counseling for marriage, pregnancy, or parenthood

PERSONAL APPEARANCE (STUDENT DRESS CODE)

Philosophical Basis

The goal at the Appoquinimink School District is to create an environment conducive to learning and appropriate for an educational setting. With this in mind, the following conditions have been adopted for students attending school in our district. Items of clothing not specifically covered in the list below can be prohibited at the discretion of the administration. Students in violation of the dress code will be required to change into clothes which meet the school expectations. Failure to do so will result in disciplinary action.

Specific dress standards may be required in classes such as but not limited to CTE Classes, laboratories, or physical education for health and safety reasons.

Elementary:

1. Headwear of any type may not be worn – male and female. (Note: The only exception to this rule is documented religious or medical reasons)
2. Outerwear is not permitted while in the building.
3. The length of skirts, skorts and shorts must be at least mid thigh.
4. All shirts must cover shoulders, cleavage, stomach and back.
5. Footwear must be worn at all times. (Flip flops, Healey’s and bedroom slippers are not permitted)
6. Clothing must be worn as intended:
 - Pants must be worn properly and are to be pulled up and secured at the waist
 - Undergarments are not to be visible.
 - Pajamas are not permitted.
7. Apparel that advertises, glorifies, or symbolizes any illegal substances or any substances illegal to minors, containing derogatory phrases, profanity, or glorifies violence or criminal behavior are not permitted to be worn.
8. Students may not wear lewd, suggestive, or excessively tight clothing with writing on the buttocks, spiked jewelry or long chains.

Middle School:

1. Headwear of any type may not be worn – male and female. (Note: The only exception to this rule is documented religious or medical reasons)
2. Outerwear is not permitted while in the building.
3. The length of skirts, skorts and shorts must be at least mid thigh.
4. All shirts must cover shoulders, cleavage, stomach and back.
5. Pants are to be pulled up and secured at the waist. Visible holes above the knee that expose skin are not permitted.
6. Footwear must be worn at all times. (bedroom slippers are not permitted)
7. Clothing must be worn as intended:
 - No undergarments may be visible at any time.
 - Pajamas are not permitted.
8. Students may not wear any garment that would be considered a distraction.
9. Apparel that advertises, glorifies, or symbolizes any illegal substances or any substances illegal to minors, containing derogatory phrases, profanity, or glorifies violence or criminal behavior are not permitted to be worn.
10. Students may not wear spiked jewelry, long chains or lewd and suggestive clothing.

High School:

1. Headwear of any type may not be worn – male and female. (Note: The only exception to this rule is documented religious or medical reasons)
2. Outerwear is not permitted while in the building.
3. Shorts and skirts are acceptable attire; however the length must be at the knee which includes the front, sides and back view.

4. All shirts must cover shoulders, cleavage, stomach and back.
5. Pants are to be pulled up and secured at the waist. Visible holes above the knee that expose skin are not permitted.
6. Footwear must be worn at all times. (bedroom slippers are not permitted)
7. Clothing must be worn as intended:
 - No undergarments may be visible at any time.
 - Pajamas are not permitted.
8. Students may not wear any garment that would be considered a distraction.
9. Apparel that advertises, glorifies, or symbolizes any illegal substances or any substances illegal to minors, containing derogatory phrases, profanity, or glorifies violence or criminal behavior are not permitted to be worn.
10. Students may not wear spiked jewelry, long chains or lewd and suggestive clothing.

Responsibilities

Students have the responsibility:

1. 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:

1. 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

PROPERTY Philosophical Basis

Students have the right to privacy in their person and property. When school authorities have reasonable suspicion to believe that a student possesses an illegal item or an item determined to threaten safety and security, the school administration may search a student and his/her property. A student's cell phone is subject to a search if there is reasonable suspicion to believe it is being used in connection with a violation of the Student Code of Conduct. Items deemed to disrupt or interfere with the educational process may be temporarily removed from student possession.

Any electronic device with child pornography will be reported to the police and may be seized by the police and destroyed or kept as evidence. The District prohibits anyone delivering any obscene materials, or publishing, exhibiting or making available any obscene materials.

Student lockers, desks, cubbies, etc. are the property of the school and may be searched at any time.

The school district shall not be responsible for lost or stolen personal property that is brought to school.

Returning to school after leaving without permission may be considered reasonable suspicion to conduct a search.

Responsibilities

Students have the responsibility:

1. To refrain from possessing or concealing any substance or objects which are prohibited 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, book bags, or similar containers and to check regularly their contents

Rights

Students have the right:

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

PUBLISHING AND DISTRIBUTING MATERIALS

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 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. for designating the person(s) who wrote and published the material; adhering to acceptable standards of journalism including literary value, newsworthiness, and property; distributing material before and after regular school hours; distributing during regular school hours only with administrative permission; displaying materials on bulletin boards provided for student use; accepting any legal consequences for student expression and publication; and to confirm that the information published is factual.

Rights

Students have the right:

1. publish and distribute materials as long as such action does not endanger the health and safety of others, threaten to disrupt the educational process, reflect a libelous nature, indicate a commercial purpose, or contain obscene or inflammatory statements.

SAFETY

Philosophical Basis

All students who attend the District have the right to attend school in a safe and orderly environment where they are encouraged to learn.

Responsibilities

Students have the responsibility:

1. To show respect for other people's ideas, values, and heritage
2. To resolve conflicts in an appropriate manner
3. To notify school personnel if they have knowledge of any weapon(s) on school property

Rights

Students have the right:

1. To learn in an environment free from the threat or act of psychological or physical violence

STUDENT GOVERNMENT

Philosophical Basis

Students have the right to participate effectively in the decision-making processes necessary for developing responsible and productive citizens. They have the right to organize and conduct student council or government association activities which contribute toward the understanding and functioning of the objectives of the school.

- The organization, operation, and scope of student government shall be defined in a written constitution developed through effective student participation and approved at least once every three years by a majority of the students.
- Student government shall function in accordance with its constitution and by-laws.
- The school administration shall ensure that all students have the right to vote and hold office.
- Students shall have the right to select officers and representatives from within the student body in accordance with the constitution.
- Provisions concerning the qualifications of candidates should be as broad as possible, however, grade and disciplinary standards may disqualify some.
- The decisions of the student government shall not be influenced by faculty and may not be arbitrarily vetoed by the school administration.
- The student government organization shall be responsive to the needs and interests of all students and shall conduct open meetings to ensure maximum involvement of students.
- Students shall have the right to recommend to the administration a faculty advisor selected by the members.
- Faculty advisors shall assist the students in ensuring that student government operates independently within the framework of its constitution and the school's philosophy.

STUDENT MOTOR VEHICLES

Philosophical Basis

Since the District provides free transportation to all students; students do not have the right to drive personal vehicles to school. This privilege is granted by school administration.

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 of Conduct or State law

Rights

Students have the right:

1. To privacy of the contents of their motor vehicles unless the principal or designee has reasonable suspicion to believe that the student is concealing an prohibited substance or objects and other items that may be disruptive to the educational process

STUDENT RECORDS

Philosophical Basis

Student records are records that directly relate to a student, and are maintained by the District or its employees. Student records do not include records kept in the sole possession of an employee, used only as personal memory aide, and not shared with any other person except a substitute. 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.

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/guardians 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/guardians 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 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.

USE OF SURVEILLANCE EQUIPMENT FOR SAFETY AND SECURITY

To help assure the safety and security of the students and staff of the Appoquinimink School District, the District may use cameras and audio devices to monitor public areas or accesses to restricted areas in schools or on school property. Recordings from devices installed for safety and security may be used as the basis of disciplinary actions, or, if appropriate, criminal prosecutions against persons committing violations on school property. This section does not preclude the installation of recording or monitoring devices as part of a criminal or administrative investigation in compliance with pertinent authorities, laws, and procedures for the conduct of such investigations. Notice of presence of surveillance equipment will be posted to the extent required by law. The use of video cameras is subject to pre-approval by the Superintendent.

DISCLOSURE OF CERTAIN STUDENT INFORMATION

The District may disclose certain information, known as directory information, in its discretion without consent. Parents/guardians, or students eighteen years of age or over, may refuse to permit the release of any or all directory information. If a parent/guardian 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 Student Code of Conduct. Such notice must be received within 30 days of student receipt of this Student Code of Conduct. 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/guardians, and students over 18 years of age, the following rights:

Inspection and Review

Parents/guardians 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/guardians 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/guardian 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). 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.
3. Please see Appendix VII for a list of directory information.

Complaint

Parents/guardians 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/guardians, 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/guardians 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/guardian
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/guardian
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/guardians 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

Complaint

If parents/guardians 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

CHAPTER III: VIOLATIONS OF THE STUDENT CODE OF CONDUCT

While on the school bus, drivers will have the same authority as teachers.

Any student who hinders an investigation or any student who aids, is involved with the planning, or helps another student in any way in an act which violates the Student Code of Conduct may be subject to the same disciplinary action as the individual who committed the violation.

LEVEL I

DISRUPTIVE BEHAVIOR (S0091): *Language, gestures or actions that produce distractions, frictions or disturbances that interfere with effective functioning of the teacher, another student, a class, or any school activity.*

Grades K – 5: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand
- Teacher/student conference

Subsequent Offenses

REQUIRED:

- Detention (1 – 3 days)
- Parent/guardian notification
- Referral to Discipline Committee or Instructional Support Team

OPTIONAL:

- Functional assessment and/or behavior support plan

Grades 6 – 12: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand/or detention
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention (1 – 3 days)
- Parent/guardian notification
- Referral to Discipline Committee or Instructional Support Team

OPTIONAL:

- Functional assessment and/or behavior plan/contract

INAPPROPRIATE LANGUAGE (S0011): *Any profane language or derogatory, disrespectful comments.*

Grades K – 5: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention
- Parent/guardian notification

OPTIONAL:

- Parent/teacher strategy

Grades 6 – 12: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand
- Parent/guardian notification
- Teacher/student conference

Subsequent Offenses

REQUIRED:

- Detention
- Parent/guardian notification

OPTIONAL:

- Parent/teacher strategy

LOITERING (S0071): A student's unauthorized presence in any school area.

Grades K – 5: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand

Subsequent Offenses

REQUIRED:

- Teacher reprimand
- Parent/guardian notification
- Referral to counselor

Grades 6 – 12: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand
- Teacher/student conference

OPTIONAL:

- Detention

Subsequent Offenses

REQUIRED:

- Detention
- Parent/guardian notification

POSSESSION OF NON-SCHOOL ITEMS (S0131): Any item or device that may be deemed by building staff as disruptive or having the potential for causing disruption (not a weapon).

Grades K – 5: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand
- Item to be confiscated
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Parent/guardian notification
- Item to be confiscated and may be returned to parent/guardian

OPTIONAL:

- Detention

Grades 6 – 12: Level I Offense

First Offense

REQUIRED:

- Teacher reprimand
- Item to be confiscated
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Parent/guardian notification
- Item to be confiscated and may be returned to parent/guardian

OPTIONAL:

- Detention

UNEXCUSED TARDY (S0031 or S0032): Three (3) unexcused tardy to school or to a class without authorization or approved reason.

Grades K – 5: Level I Offense

First Offense

REQUIRED:

- Teacher/Office reprimand

Subsequent Offenses

REQUIRED:

- Parent/guardian notification
- Parent/Teacher strategy

OPTIONAL:

- Teacher/Office detention
- Referral to school support staff or Instructional Support Team

Grades 6 – 12: Level I Offense

First Offense

REQUIRED:

- Reprimand
- Detention (1 to 5 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 5 days)
- Parent/guardian notification
- Referral to School Discipline Committee or Instructional Support Team

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

LEVEL II

ABUSIVE LANGUAGE (S0301 OR S0011): Written or spoken language or gestures that are considered offensive, obscene, or vulgar.

Grades K – 5: Level II Offense First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Parent/guardian conference
- Detention and/or suspension (1 to 3 days)

Grades 6 – 12: Level II Offense First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or Suspension (2 to 5 days)
- Parent/guardian conference

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

CARELESS OR RECKLESS BEHAVIOR (S0107): Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.

Grades K – 5: Level II Offense First Offense

REQUIRED:

- Detention and/or suspension (1 day)
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level II Offense First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan /contract

CHEATING/PLAGIARISM (S0141): *Fraudulent deception in preparing, or presenting course work or class assignments as a student's own work when it is not. This includes, but is not limited to: (1) copying another student's work, (2) unauthorized use of notes or sharing answers during a test, (3) presenting another person's work as one's own, or (4) presenting quotations, words or ideas without proper references or credit (plagiarism). Repeated offenses will be considered defiance and treated as such.*

**Grades K – 5: Level I Offense
First Offense**

REQUIRED:

- Teacher reprimand/or detention
- Parent/guardian notification
- Grade penalty – to be determined by teacher

Subsequent Offenses

REQUIRED:

- Detention
- Parent/guardian notification and conference
- Grade penalty – to be determined by teacher

OPTIONAL:

- Referral to administration

**Grades 6 – 12: Level II Offense
First Offense**

REQUIRED:

- Teacher reprimand
- Grade penalty – to be determined by teacher
- Parent/guardian notification
- Detention and/or suspension (1 to 3 days)

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification and conference
- Grade penalty – to be determined by teacher

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

CLASS CUT (S0041): *All students are expected to arrive at their classes on time and to remain there until the teacher dismisses class. A student is considered to have cut a class any time the student is present in school but does not attend class. Any unexcused absence for more than ten (10) minutes of a class may be considered a cut.*

**Grades K – 5: Level II Offense
First Offense**

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Referral to School Discipline Committee or Instructional Support Team

OPTIONAL:

- Behavior support plan

**Grades 6 – 12: Level II Offense
First Offense**

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or Suspension (2 to 5 days)
- Parent/guardian notification
- Referral to School Discipline Committee or Instructional Support Team

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

CRIMINAL MISCHIEF (VANDALISM) (D0301): *A student, in the school environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property.*

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Teacher reprimand
- Parent/guardian notification

OPTIONAL:

- Detention

Subsequent Offenses

REQUIRED:

- Detention
- Parent/guardian notification

OPTIONAL:

- Parent/guardian conference

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (2 to 5 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Parent/guardian conference

DEFIANCE (S0081 OR S0082): *(1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.*

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Teacher reprimand
- Parent/guardian notification
- Parent/guardian conference
- Detention and/or suspension (1 to 3 days)

Subsequent Offenses

REQUIRED:

- Detention or suspension (1 to 5 days)
- Parent/guardian conference

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Teacher reprimand
- Parent/guardian notification
- Detention and/or suspension (1 to 3 days)

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or Suspension (1 to 5 days)
- Parent/guardian conference

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

FAILURE TO SERVE DETENTION (S0221): Detentions are required time obligations to be served with the teacher assigning the detention. Administrative detentions are assigned by a building administrator and are to be served in an administrative detention room. The student is obligated to serve unless properly excused by the person who assigned the detention.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Parent/guardian notification
- Reassign detention

Subsequent Offenses

REQUIRED:

- Reprimand
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Referral to Discipline Committee or Instructional Support Team

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Parent/guardian notification
- Reassign detention

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Suspension (1 day)

Subsequent Offenses

REQUIRED:

- Reprimand
- Suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Referral to Discipline Committee or Instructional Support Team

FORGERY (S0321 or S0322): Falsely or fraudulently signing or altering a document such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Parent/guardian notification

OPTIONAL:

- Detention and/or suspension (1 to 3 days)

Subsequent Offenses

REQUIRED:

- Parent/guardian conference
- Detention and/or suspension (2 to 3 days)

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Detention (1 to 3 days)

Subsequent Offenses

REQUIRED:

- Suspension (3 to 5 days)
- Parent/guardian notification
- Parent/guardian conference before returning to school
- Referral to School Discipline Committee or Instructional Support Team

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

GAMBLING (S0241): Participation in games of chance for money or other things of value.

Grades K – 5: Level II Offense**First Offense****REQUIRED:**

- Teacher reprimand
- Parent/guardian notification

OPTIONAL:

- Detention

Subsequent Offenses**REQUIRED:**

- Detention or suspension (1-2 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level II Offense**First Offense****REQUIRED:**

- Detention (1-3 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses**REQUIRED:**

- Suspension (2-5 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

HARASSMENT (S0104 OR S0105): Any actions or statements made with the intent to harass, annoy, or alarm another person which: A) insults, taunts, or challenges the other person or; B) is a cause of alarming or distressing conduct which serves no legitimate purpose and is done in a manner which the actor knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

Grades K – 5: Level II Offenses**First Offense****REQUIRED:**

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level II Offenses**First Offense****REQUIRED:**

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

HARRASSMENT: continued on next page

HARASSMENT (S0104 OR S0105) (continued):

Grades K – 5: Level II Offenses**Subsequent Offenses**

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

Grades 6 – 12: Level II Offenses**Subsequent Offenses**

REQUIRED:

- Suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior plan/contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

The District reserves the right to expel for serious offenses that rise to the legal definition of a hate crime. (C0151)

INAPPROPRIATE SEXUAL BEHAVIOR (S0101): Acts of affection or intimacy inappropriate to an educational setting.

Grades K – 5: Level II Offense**First Offense**

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level II Offense**First Offense**

REQUIRED:

- Detention (1 to 2 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan /contract

LEAVING SCHOOL WITHOUT AUTHORIZATION (S0051): Once a student arrives at the school campus he/she may not leave unless authorized to do so, until the end of the student's scheduled day. The parking lot is off limits during school hours. Returning to school after leaving without permission may be considered reasonable suspicion to conduct a search.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Parent/guardian notification
- Parent/guardian conference
- Police notification when necessary

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 day)
- Parent/guardian notification
- Parent/guardian conference
- Police notification when necessary
- Behavior support plan
- Recommendation to counseling or appropriate social service agency – if warranted

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Behavior plan/contract
- Police notification when necessary

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or Suspension (3 to 5 days)
- Parent/guardian notification
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- Police notification when necessary

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

MISUSE/ABUSE OF SUBSTANCES (S0131): Using any substance for a purpose for which it was not intended.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Police notification, when necessary

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Referral to School Discipline Committee or Instructional Support Team
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Police notification, when necessary

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Referral to school Discipline Committee or Instructional Support Team
- Behavior plan /contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

MISUSE OF CELL PHONES AND ALL OTHER ELECTRONIC DEVICES (S0312 or S0311):
Students are not permitted to use cell phones/electronic devices during the school day unless it is being expressly used in the BYOT (“Bring your own Technology”) or the one to one initiative. Cell phones/electronic devices must be turned off and put away during the school day and anytime the student is on the school bus. The District reserves the right to search a seized cell phone/electronic device.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Cell phones/electronic devices will be confiscated
- Parent/guardian notification
- Parent/guardian must come to school to retrieve the cell phones/electronic devices

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 day)
- Cell phones/electronic devices will be confiscated
- Parent/guardian notification
- Parent/guardian must come to school to retrieve the cell phones/electronic devices

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Cell phones/electronic devices will be confiscated
- Parent/guardian notification
- Parent/guardian must come to school to retrieve the cell phones/electronic devices

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Cell phones/electronic devices will be confiscated
- Parent/guardian notification
- Parent/guardian must come to school to retrieve the cell phones/electronic devices

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

MISUSE OF TECHNOLOGY (S0181): *The use of school technology equipment in: Soliciting, using, receiving or sending pornographic or obscene material; or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment; or*

SEVERE CLAUSE: *A situation in which a student deliberately: Tamper with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.*

**Grades K – 5: Level II Offense
First Offense**

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

OPTIONAL:

- Suspension (1 to 2 days)
- Suspension of user privileges (1 to 5 days)

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan
- Referral to school Discipline Committee or Instructional Support Team
- Cancellation of user privileges for up to a marking period

Violation of Severe Clause

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted
- Referral to school Discipline Committee to consider cancellation of user privileges for up to the remainder of the school year

**Grades 6 – 12: Level II Offense
First Offense**

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Suspension (1 to 2 days)
- Suspension of user privileges (1 to 5 days)

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- Cancellation of user privileges for up to a marking period

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Violation of Severe Clause

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Behavior plan/contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted
- Referral to school Discipline Committee to consider cancellation of user privileges for up to the remainder of the school year

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

SCHOOL CUT/TRUANCY (S0021): Any unexcused absence from school (see attendance under Chapter II for a list of excused absences). Repeated offenses may result in legal action.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Referral to School Discipline Committee or Instructional Support Team
- Behavior support plan

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract

Subsequent Offenses

REQUIRED:

- Detention and/or Suspension (2 to 5 days)
- Parent/guardian conference required before returning to school

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract

SMOKING (D1401): Using, possessing, or dispensing of any tobacco product or tobacco like products.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification
- \$25.00 fine (in lieu of fine, proof of completion of smoking cessation class will be accepted)

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan
- \$50.00 fine

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- \$25.00 fine (in lieu of fine, proof of completion of smoking cessation class will be accepted)

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- \$50.00 fine

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

STEALING (S0111 or D0601) *The taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.*

STEALING "SEVERE CLAUSE": *Situations in which the stolen item is valued over \$50.00 or if the stolen item is the property of a staff member or the Appoquinimink School District.*

Grades K – 5: Level II Offenses

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

OPTIONAL:

- Suspension (1 to 3 days)
- Police notification, when necessary

Subsequent Offenses

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Behavior support plan

Violation of Severe Clause

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted
- Referral to school Discipline Committee or Instructional Support Team

Grades 6 – 12: Level II Offenses

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Suspension (1 to 3 days)
- Police notification, when necessary

Subsequent Offenses

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

Violation of Severe Clause

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Behavior plan/contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted
- Referral to school Discipline Committee or Instructional Support Team

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

TRESPASSING (S0271): *Trespassing is when a student knowingly or unknowingly is in an Appoquinimink School District area without a legitimate purpose.*

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Issue warning that the person is trespassing and must leave immediately
- Police notification, when necessary

Subsequent Offenses

REQUIRED:

- Parent/guardian notification
- Police notification, when necessary
- Subsequent offenses of trespassing will be considered defiance and treated as such

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Issue warning that the person is trespassing and must leave immediately
- Police notification, when necessary

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Parent/guardian notification
- Police notification, when necessary
- Subsequent offenses of trespassing will be considered defiance and treated as such

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

VIOLATION OF DRESS CODE (S0291): *Students are required to adhere to the dress code that is outlined in Chapter II: Student Rights and responsibilities. When a student is in violation, he/she will be required to change into acceptable attire and may not be allowed to return to class until in compliance.*

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

VIOLATION OF MEDICATION POLICY (D1601): Students are not permitted to take medication of any kind in school unless that medication is given by the nurse. Prescription and non-prescription medication may be administered by the school nurse during school hours, utilizing the instructions outlined in the board policy.

Grades K – 5: Level II Offense

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan

Grades 6 – 12: Level II Offense

First Offense

REQUIRED:

- Reprimand and/or detention
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior plan/contract

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

LEVEL III

BULLYING AND CYBERBULLYING (D0701):

Bullying is any intentional written, electronic, verbal or physical act or actions against a student, school volunteer, or school employee that a reasonable person, under the circumstances should know will have the effect of: (1) placing a student, school volunteer, or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) or interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

Cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

- 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.***
- 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.***

(An act is intentional if it is the person's conscious objective to engage in conduct of that nature.) The Student Code of Conduct will be enforced for any verified act of bullying, as defined above, committed out of school against an Appoquinimink School District student if the building administrator determines that the act of bullying interferes with the educational rights of another student and/or causes a substantial or material disruption of the school environment.

BULLYING AND CYBERBULLYING: continued on next page

BULLYING AND CYBERBULLYING (D0701) (continued):

Grades K – 5: Level III Offenses**First Offense****REQUIRED:**

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Behavior support plan

Subsequent Offenses**REQUIRED:**

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

Grades 6 – 12: Level III Offenses**First Offense****REQUIRED:**

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

Subsequent Offenses**REQUIRED:**

- Suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior plan/contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

The District reserves the right to expel for serious offenses that rise to the legal definition of a hate crime. (C0151)

DISORDERLY CONDUCT (S0106): Conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.

Grades K – 5: Level III Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 day)
- Parent/guardian notification

Subsequent Offenses

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Behavior support plan

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference before returning to school

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (3 to 5 days)
- Parent/guardian notification
- Parent/guardian conference before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- Loss of extracurricular activities (Length of time to be determined by the school administration)

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

EXTORTION (C0141): To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.

Grades K – 5: Level III Offense

First Offense

REQUIRED:

- Reprimand and /or detention
- Parent/guardian notification
- Behavior support plan
- Police notification
- DOE Student Conduct report will be filed as required by law

Subsequent Offenses

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Behavior support plan
- Police notification, when necessary
- DOE Student Conduct report will be filed as required by law

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Police notification
- DOE Student Conduct report will be filed as required by law

Subsequent Offenses

REQUIRED:

- Suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Behavior plan/contract
- Police notification, when necessary
- DOE Student Conduct report will be filed as required by law

FIGHTING (D1101): Any aggressive physical altercation between two or more individuals.

Grades K – 5: Level III Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (3 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

FIGHTING : continued on next page

Grades 6 – 12: Level III Offense

Subsequent Offenses

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

OFFENSIVE TOUCHING – STUDENT ON STUDENT (D0801): Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

Grades K – 5: Level III Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 2 days)
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Referral to School Discipline Committee or Instructional Support Team
- Behavior support plan

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Plan
- Behavior support plan
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Detention and/or suspension (1 to 5 days)
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Loss of extracurricular activities (Length of time to be determined by the School administration)

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract

Subsequent Offenses

REQUIRED:

- Suspension (3 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

OFFENSIVE TOUCHING OF A STAFF MEMBER (D0802): Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

Grades K – 5: Level III Offense

First Offense

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior support plan
- DOE Student Conduct Report will be filed as required by law.

OPTIONAL:

- Placement in an alternative program

Subsequent Offenses

REQUIRED:

- Suspension (5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior support plan
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Placement in an alternative program

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Placement in an alternative program

Subsequent Offenses

REQUIRED:

- Suspension (5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior plan/contract
- Recommendation to counseling or appropriate social service agency
- Loss of extracurricular activities (Length of time to be determined by school administration)
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Placement in an alternative program

RECKLESS DRIVING (S0121 or S0122): Driving any vehicle on school property or in a school zone in willful disregard for the safety of persons or property.

Grades K – 5: Not applicable

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Suspension of parking privileges, if applicable
- Parent/guardian notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (1 to 3 days)
- Suspension of parking privileges, if applicable (Length of time to be determined by school administration)
- Parent/guardian notification
- Police notification

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
-

SEXUAL HARASSMENT (D1001): Actions or statements that are sexual in nature, which offend or defame the dignity or self-esteem of an individual. Examples include but are not limited to unwelcome sexual advances, sexual remarks or jokes, requests for sexual favors, and other offensive verbal or physical conduct directed at an individual. Also, included in this definition is the display of pictures, drawings or other items that are sexual in nature.

Sexual Harassment “Severe Clause”: Situations in which the sexual harassment is directed toward a staff member.

Grades K – 5: Level III Offenses

First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Behavior support plan

Grades 6 – 12: Level III Offenses

First Offense

REQUIRED:

- Detention and/or suspension (1 to 3 days)
- Parent/guardian notification
- Parent/guardian conference
- Police notification, when necessary
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities
- Behavior plan/contract

SEXUAL HARASSMENT : continued on next page

Grades K – 5: Level III Offenses

Subsequent Offenses

REQUIRED:

- Detention and/or suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

Violation of Severe Clause

REQUIRED:

- Suspension (1 to 3 days)
- Parent/guardian notification
- Behavior support plan
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted
- Referral to school Discipline Committee or Instructional Support Team

Grades 6 – 12: Level III Offenses

Subsequent Offenses

REQUIRED:

- Suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Behavior plan/contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Violation of Severe Clause

REQUIRED:

- Suspension (1 to 5 days)
- Parent/guardian notification
- Behavior plan/contract
- Police notification, when necessary
- Recommendation to counseling or appropriate social service agency – if warranted
- Referral to school Discipline Committee or Instructional Support Team

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

TERRORISTIC THREATENING AND/OR BEHAVIOR (D0901 OR D0902): (1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.

Grades K – 5: Level III Offense

First Offense

REQUIRED:

- Suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior support plan
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

Subsequent Offenses

REQUIRED:

- Suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to School Discipline Committee or Instructional Support Team
- Behavior support plan
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

Grades 6 – 12: Level III Offense

First Offense

REQUIRED:

- Suspension (1 to 2 days)
- Parent/guardian notification
- Parent/guardian conference
- Behavior plan/contract
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

Subsequent Offenses

REQUIRED:

- Suspension (2 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Referral to school Discipline Committee or Instructional Support Team
- Behavior plan/contract
- Recommendation to counseling or appropriate social service agency
- DOE Student Conduct Report will be filed as required by law

OPTIONAL:

- Cancellation of privileges such as, but not limited to, parking pass, PBS activities and/or after school activities

LEVEL IV

ASSAULT III ON STUDENT (C0201, C0106 OR C0107): (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

Grades K – 5: Level IV Offense

First Offense

REQUIRED:

- Suspension (3 to 5 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Police notification, when necessary
- Referral to School Discipline Committee or Instructional Support Team
- DOE Student Conduct Report will be filed as required by law

- Behavior support plan

OPTIONAL:

- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Suspension (5 - 10 days)
- Parent/guardian notification
- Parent/guardian conference required before returning to school
- Police notification
- Referral to School Discipline Committee or Instructional Support Team
- Recommendation to appropriate counseling or social service agency
- DOE Student Conduct Report will be filed as required by law

- Behavior support plan

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Grades 6 – 12: Level IV Offenses

First or Subsequent Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification, when necessary
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency
- Behavior plan/contract

OPTIONAL:

- Expulsion
- Referral to Alternative Program

ASSAULT III ON STAFF MEMBER (C0201, C0106 or C0107): *Shall mean: (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.*

**Grades K – 5: Level IV Offenses
First or Subsequent Offenses**

REQUIRED:

- Suspension (5 - 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

**Grades 6 – 12: Level IV Offenses
First or Subsequent Offenses**

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

DANGEROUS INSTRUMENT(S) POSSESSION/CONCEALMENT/SALE (C0601 - C0626): *The unauthorized possession/concealment/sale by a student in the school environment of any instrument, article or substance which is readily capable of causing serious physical injury or death or*

DEADLY WEAPON(S) POSSESSION/CONCEALMENT/SALE: *Shall mean the possession, concealment, or sale of a deadly weapon in the school environment.*

**Grades K – 5: Level IV Offenses
First Offenses**

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

**Grades 6 – 12: Level IV Offenses
First Offenses**

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

DISTRIBUTION OF DRUGS AND/OR ALCOHOL AND/OR DRUG PARAPHERNALIA (C0701 – C0713, D0501, D1201, D1301): The sale, transfer, or distribution in school, on school property, or on school field trip of drugs or alcohol.

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

RAPE OR ATTEMPTED RAPE OR SEXUAL ASSAULT (C0301, C0120 – C0128): *Shall respectively mean sexual intercourse and attempted sexual intercourse without consent of the victim in both cases or any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761(f) of Title 11; sexual intercourse as defined in §761(g) of Title 11; sexual penetration as defined in §761(i) of Title 11; and child sexual abuse as defined in §901 of Title 10.*

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses

First or Subsequent Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

RECKLESS BURNING (S0152, C0133 OR C0134): When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification, when necessary
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses

First or Subsequent Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification, when necessary
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

SEXUAL MISCONDUCT (S0108): Consensual sexual act(s) between two individuals within the school environment.

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification when necessary
- Parent/guardian notification
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Grades 6 – 12: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification when necessary
- Parent/guardian notification
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

SEXUAL MISCONDUCT: continued on next page

SEXUAL MISCONDUCT (continued):

Grades K – 5: Level IV Offenses**Subsequent Offenses****REQUIRED:**

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification when necessary
- Parent/guardian notification
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses**Subsequent Offenses****REQUIRED:**

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification when necessary
- Parent/guardian notification
- Recommendation to counseling or appropriate social service agency

TERRORISTIC THREATENING - SECURITY THREAT (D0901 OR D0902): *When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the school environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the school environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the school environment.*

Grades K – 5: Level IV Offenses**First Offenses****REQUIRED:**

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses**REQUIRED:**

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses**First or Subsequent Offenses****REQUIRED:**

- Suspension (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

USE AND/OR POSSESSION OF A DRUG AND/OR ALCOHOL AND/OR DRUG PARAPHERNALIA (C0701 – C0713, D0501, D0502, D1201, D1301): A student unlawfully possesses, uses or is under the influence of alcohol, a drug, drug paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

REPORTING SCHOOL CRIME - DELAWARE CODE TITLE 14 DEL. C §4112

Delaware Code **requires mandatory reporting** of the offenses listed in 14 Del. C §4112. School employees who have reliable information that would lead a reasonable person to believe that one of the following has occurred on school property or at a school function must immediately report the incident to the principal or designee:

- Student, school volunteer, or school employee has been the victim of violent felony, assault III, unlawful sexual contact III; or
- Student under 18 has been victim of sexual harassment; or
- Person on school property has drugs or weapon or bomb.

The principal or designee will make every effort to notify the parent(s)/guardian(s) and will conduct a thorough investigation and/or if warranted by statute will report to the police authorities. In addition, the principal will make every effort to notify the parent(s)/guardian(s) of any juvenile victim. The following list is not all-inclusive, but, at a minimum, the following **shall be** reported to the appropriate law enforcement agency.

1. Evidence that suggests the commission of the crimes of assault and extortion against pupil, or an assault or extortion against a school employee
2. Evidence that suggests the commission of a felony, for example: reckless endangering; assault offenses; homicide; arson; criminal mischief; bombs; robbery; rape; extortion; fraud; forgery; weapons; etc.
3. Evidence that suggests violations of the laws concerning controlled substances and alcohol
4. Evidence that suggests incest, sexual abuse or the neglect or other abuse of children
5. Evidence that suggests the use, possession, or sale of dangerous instruments or deadly weapons, (e.g. knives, firearms, ammunition, explosives or blasting caps)
6. Evidence that suggests morals offense (e.g. pornography, exhibitionism, peeping, etc.)
7. Evidence that suggests organized gambling
8. Evidence of offenses involving school property, e.g. false fire alarms, telephone threats, computer crimes, vandalism and criminal mischief, trespass, burglary and theft, reckless driving and safety hazards
9. Reports of suspicious persons or unauthorized persons on or near school grounds or property, or rumors, information or observations of gang rivalries or activities (These activities need not be reported to the State Board of Education)

CHAPTER IV: DISCIPLINARY PROCEDURES

STUDENT GRIEVANCE

A grievance is another name for a complaint. A student grievance exists when it is alleged that a student has been treated unfairly or has not been afforded due process.

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

1. Students or groups of students
2. Parents/guardians of a student
3. Groups of parents/guardians of students

The grievance procedure may be used as follows:

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

GRIEVANCE PROCEDURES

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

1. The grievant shall request, in writing, a conference with the person(s) who allegedly treated the student unfairly by the end of the following school day.
2. A conference shall be held within one (1) to four (4) school days after the request.
3. If the conference does not resolve the complaint, the grievant may file a written grievance with the principal by the end of the following school day.
4. The principal shall resolve the appeal by investigating the situation, reviewing the appeal/records, and/or will schedule a conference to hear the grievance no later than (5) school days following the receipt of the notice of appeal and shall issue a decision in writing no later than five (5) days following the investigation/conference. If the discipline will result in a consequence that is less than an out-of-school suspension, the principal's decision is final.
5. If the grievance decision at the principal's level is not acceptable and the consequence will result in out-of-school suspension or expulsion, the principal's decision may be appealed to the Superintendent. A grievant wishing to appeal the principal's written decision must file a written appeal with the Superintendent not later than five (5) school days from the date of the principal's written decision.
6. The Superintendent/designee shall resolve the appeal by investigating the situation, reviewing the written appeal/records, and/or will schedule a

conference to hear the grievance no later than five (5) school days following the receipt of the notice of appeal and shall issue a decision in writing no later than five (5) school days following the investigation/conference. If the discipline will result in a consequence that is an out-of-school suspension or less, the superintendent's decision is the final decision.

7. If the grievance decision at the Superintendent's level is not acceptable and the consequence will result in a possible expulsion, the Superintendent's decision may be appealed to the District Board. This appeal must be filed, in writing, no later than five (5) school days following the Superintendent's decision. The District Board shall resolve the grievance by investigating the problem, holding conferences with the involved parties and/or reviewing the written grievance records.
8. The decision of the District Board shall be the final decision of the school system. A copy of the decision shall be sent to the parties involved not later than ten (10) school days following the board hearing.

ASSIGNMENT TO ALTERNATIVE PROGRAMS

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. If a new student enrolling in the District was in an alternative placement in the previous district, that student shall be alternatively placed in accordance with the original terms of the alternative placement or as determined by the Superintendent/designee.

IN-SCHOOL SUSPENSION

In-School Suspension is the temporary removal of a student from the area indicated by the regularly assigned schedule.

SUSPENSION FROM SCHOOL

Suspension is the temporary removal of a pupil from the regular school program for a period not to exceed five (5) school days. The Superintendent or designee, however, may extend a suspension past the five (5) day period pending a decision on a principal's recommendation to expel for Student Code of Conduct violations determined to be serious. While serving out of school suspension, a student is forbidden from being on the property of the District (this includes athletic fields, District Office, any after-school activities and/or extracurricular activities) for any reason unless accompanied by a parent or legal guardian to a pre-arranged appointment. If a student is suspended during a time in which school is canceled (such as with a weather related situation), the suspension will carry to the next official school day(s).

Prior to a suspension from school, the student shall:

1. Be given oral and 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 the opportunity to present the student's 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 conference 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 conference, if requested, will follow as soon as practical.

In all cases of suspension an attempt shall be made to notify the parents/guardians by telephone to request that the student be picked up from school. Students whose parents/guardians 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 shall be provided to the parent/guardian within twenty-four (24) hours. The notification shall state the cause and duration of the suspension. If the suspension is for more than three (3) days a definite time and date for a conference shall be scheduled at a place designated by the school administrator. The principal/designee is required to hold a conference, to include the parent and child, prior to the readmission of the student.

UNSAFE SCHOOL CHOICE

Under limited circumstances, a student who becomes the victim of a violent felony perpetrated by another student may make use of the choice process to change schools.

STUDENT EXPULSION PROCEDURES

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

Students expelled from any public school (in Delaware or any other state) are not permitted to attend any public school in Delaware during the period of expulsion.

When a student commits a violation which may result in a recommendation for expulsion, the following procedures shall be followed:

Step I

- A. The student shall be suspended for five (5) school days.
- B. The principal or designee shall make every effort to investigate all aspects of the discipline problem, including a conference with the student and the student's parents, or guardian, if possible, to inform the student of the charges against him/her and to provide an opportunity to respond and to tell his/her side of the story. If possible, this conference shall be held prior to the student's suspension.
- C. The principal or designee shall complete the investigation within three (3) school days of the incident.
- D. If, at the conclusion of the investigation, the principal concludes that the student committed the offense and that the nature of the offense warrants a recommendation for the expulsion, the principal or assistant principal, shall

submit the recommendation to the Superintendent. The recommendation must be accompanied by a summary of the principal's investigation and supported with other documentation attesting to the violation.

- E. If the Superintendent concurs with the recommendation for expulsion, the student's suspension shall be extended.

Step II

- A. The Superintendent or designee, shall, within ten (10) school days of the date of the incident, notify the student and the student's parent(s)/guardian(s), of the intent to expel and of the date, time and location for a formal hearing on the recommendation for expulsion. The notification shall be sent to the residence of the student. For students with disabilities as defined by Federal and State law and regulations, the Superintendent or designee shall within ten (10) school days from the date of the manifestation meeting, notify the student and the student's parent(s)/guardian(s) of intent to expel and of the date, time, and location for a formal hearing. The notice of intent to expel shall be sent by certified mail, stating the reasons for the expulsion and the time and place of the hearing. In addition, a copy of these procedures and the District Student Code of Conduct shall accompany the notice..
- B. The formal hearing shall be held not less than five (5), or more than ten (10) school days after the notice of intent to expel is given. An extension may be granted by agreement of all parties.
- C. An impartial hearing officer shall conduct the formal hearing. The hearing officer may be an employee of the District, but the hearing officer must be impartial.
- D. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit, or exclude, evidence. The hearing officer, in conducting the hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal and cross-examination shall be excluded. The witnesses shall be sworn by the hearing officer.
- E. The student shall have the following rights:
- To be represented by counsel, at the student's expense
 - To question any witnesses who testify and to receive a copy of any statements or affidavits of such witnesses
 - 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 hearings.)
 - To testify and produce witnesses on his/her behalf
 - To obtain, at the student's expense, a copy of the transcript of the formal hearing

Step III

- A. Within three (3) school days following the conclusion of the hearing, the hearing officer shall prepare a written report. The report shall summarize

the evidence, state conclusions of fact and make a recommendation of whether the District Board should expel the student. The report shall be forwarded to the District Board and a copy sent to the parent/guardian.

- B. If the hearing officer does not recommend expulsion, the student may be permitted to return to school pending a review of the report by the District Board. Assignment to an educational alternative may be recommended, if appropriate.
- C. Following a review of the hearing officer's report, the transcripts, and the exhibits submitted at the hearing, the District Board shall decide whether or not to expel the student at the next scheduled District Board meeting. The duration of an expulsion is within the discretion of the District Board based upon the circumstances of each case.
- D. In lieu of a formal expulsion hearing, a student or his/her representative, may elect to waive the hearing and admit to the violation charges. In these circumstances, the student's parent/guardian must provide a written hearing waiver request at least 24 hours prior to the date of the hearing or be given the opportunity to waive on the day of the hearing. This waiver does not absolve the student from required consequences for the violation under state law and the Student Code of Conduct.

Students with Disabilities

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

Follow Up To Expulsion

- A. A student who is expelled shall be informed of the duration of the expulsion.
- B. The student's parents or guardians, may petition the District Board for

readmission to school thirty (30) calendar days prior to the expiration of the expulsion period designated by the District Board.

- C. The District Board shall determine whether the student may be readmitted.
- D. Under readmission to school, the following conditions are required to be met:
 - A behavioral contract designed by appropriate school personnel and signed by the student and parent(s)/guardian(s) must be completed prior to readmission.
 - A student will be placed on probation for one (1) calendar year following the date of readmission. Violation of the contract during the probationary period may result in a recommendation to the Board for expulsion.
- E. A student is prohibited from being on District property during the expulsion period except when accompanied by parent(s)/guardian(s) for a scheduled appointment with school officials.

NOTIFICATION OF EXPULSION TO DIVISION OF MOTOR VEHICLES

In any case where a student is expelled from the District, the Superintendent or designee shall send written notice of the expulsion to Division of Motor Vehicles. Under Delaware law, such notice serves as sufficient authority for the Division of Motor Vehicles to suspend, or refuse to renew any driver's license already issued to the expelled student, or to refuse to issue a license to the expelled student. An expelled student whose license has been suspended may have the license reinstated, or a new license issued if (a) the length of the expulsion is complete; (b) the expelled student is 19 years of age or older; (c) two years have elapsed since the date of the expulsion. Expelled students and their parents and/or guardians should refer to Title 14 of the Delaware Code, section 4130.

OUT-OF-SCHOOL CONDUCT

The District, as well as other school districts in Delaware, is notified by the Attorney General's Office and/or law enforcement authorities whenever a student is arrested for committing a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be reviewed. The District will take disciplinary action as outlined in the Student Code of Conduct if it is determined that the out-of-school conduct indicates the student presents a threat to the health, safety or welfare of other students and staff. Example: If a student is arrested for selling narcotics in the community, he may be expelled from school. Students need to realize that out-of-school behavior can result in expulsion from school or placement in an alternative program.

APPENDIX I GLOSSARY

Some of the definitions that are used in the Student Code of Conduct reference Delaware Code. A complete listing of uniform definitions can be found at: <http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>

Administration includes both District Office and building administrative staff.

Alcohol shall mean 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, sprits, wine and beer.

Assignment to Alternative Program is the placement of the student in a special program until the student has satisfied the requirements to return to the regular program.

Behavior Contract is a written agreement among a student, the student's parent/guardian, and an administrator which specifically states the conditions that must be met; failure to do so will result in further specific disciplinary action. A behavior contract may be used in addition to specified actions.

Conflict Resolution/Mediation is the District-wide comprehensive and formalized program, which includes the use of mediation (conciliation) techniques to assist in resolution of student disputes and discipline issues.

Dangerous Instrument(s) Possession/Concealment/Sale shall mean the unauthorized Possession/concealment/sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.

Deadly Weapon(s) Possession/Concealment/Sale shall mean the Possession, concealment, or sale of a Deadly Weapon in the School Environment.

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/guardians 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.

Distribute, distributing, or distribution shall mean 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.

Drug shall mean any controlled substance or counterfeit controlled substance as defined in 16 Del.C. §4701 (6) and (7) including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.

- Drug-like substance** shall mean any noncontrolled and/or nonprescription 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 and diet pills. The definition of Drug Like Substance does not include tobacco or tobacco products which are governed by 14 DE Admin. Code 877 Tobacco Policy.
- Drug paraphernalia** shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the *Delaware Code*, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.
- Expulsion** shall mean the exclusion from the regular school setting for a period determined by the local District board.
- Felony** is any very serious offense, which is considered above the misdemeanor level as defined in State law. 11 Del. C. 4201(c) Title 11, Section Crime.
- Hate Crime** is any crime committed for the purpose of interfering with the victim's free exercise or enjoyment of any right, privilege, or immunity protected by the First Amendment to the United States Constitution, or any crime committed when the victim is selected because of the victim's race, religion, color, disability, sexual orientation, national origin or ancestry.
- Look alike substance** shall mean any noncontrolled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a drug or a noncontrolled substance capable of producing a change in behavior or altering a state of mind or feeling. See Title 16 *Delaware Code* Sec. 4752A.
- Non-prescription medication** shall mean any over-the-counter medication; some of these medications may be a "drug-like substance."
- Paraphernalia** is all equipment, products, and materials as defined in Section 4701 of Title 16 of the *Delaware Code*, including, but not limited to, roach clips, miniature cocaine spoons, and containers for packaging drugs.
- Parent/Guardian Contact / Conference** is a contact by telephone or in person with a parent/guardian.
- Parent/Guardian Notification** is contact with a parent/guardian by phone, letter, or meeting.
- Police Notification** is the reporting of an alleged illegal act to a law enforcement agency.
- "Possess", Possessing", or "Possession** means that a student has on the student's person, in the student's belongings, or under the student's reasonable control prohibited items or substances.
- Prescription drugs** shall mean any substance obtained directly from, or pursuant to, a valid prescription or order of a practitioner, as defined in Title 16 *Delaware Code* Section 4701(31), 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.
- Recommendation to Counseling or Appropriate Social Service Agencies** is a recommendation that the student seek help from a public or private social agency.
- 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.

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.

School environment shall mean 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 school sponsored extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.

Suspensions can be designated by the school administration as In-School or Out-of-School.

- *In-School Suspension*: Students assigned to in-school suspension will remain in school, but will be assigned to a designated, supervised area within the school. Students assigned to in-school suspension, are not permitted to participate in any extra-curricular activities during the length of their suspension.
- *Out-of-School Suspension*: Students assigned to out-of-school suspension are not to be permitted on school property during the length of their suspension and it is the parent/guardians responsibility to arrange for their care. Students assigned to out-of-school suspension, are not permitted to participate in any extra-curricular activities during the length of their suspension. Students may request to receive their assignments during the time of their suspension if the time period exceeds 3 days.

Use shall mean that a student is reasonably known to have voluntarily 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.

Violation of Behavior Contract shall mean the failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.

APPENDIX II

APPOQUINIMINK SCHOOL DISTRICT POLICY ON POSSESSION OF FIREARMS

- I. In compliance with the Federal “Guns Free Schools Act of 1994”, the following policy shall apply to all students in the District:

Possession of a firearm on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period of not less than 180 school days. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal or State law. The procedures to implement this policy will be the expulsion procedures outlined in the District’s Student Code of Conduct. For purposes of this policy, the term “weapon” as used in the Federal “Gun Free Schools Act of 1994” means a “firearm” as defined in Section 921 of Title 18, United States Code.

- II. Definition of Firearm:

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

The term “destructive device” means –

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

This term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is designed for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10; or any

other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

The term “antique firearm” means –

- (A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1989; or any replica of any firearm described in subparagraph (A) if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States

III. The Following Regulations Shall Apply To This Policy:

- A. All students shall receive an updated Student Code of Conduct that contains the District’s policy on the possession of firearms at the beginning of each school year, and whenever a student enters or re-enters the District during the school year, to be shared with their parent/guardian/custodial adult.
- B. The District’s policy on possession of firearms shall apply to all students, except that with respect to students with disabilities, the federal law will be followed. A determination of whether the violation of the possession of firearm policy was due to the student’s handicapping condition will be made prior to any discipline or change of placement in connection with the policy.

APPENDIX III APPOQUINIMINK SCHOOL DISTRICT DRUG AND ALCOHOL POLICY

- I. THE FOLLOWING POLICY ON THE POSSESSION, USE, OR DISTRIBUTION OF DRUGS AND ALCOHOL SHALL APPLY TO ALL SCHOOLS AND/OR PROGRAMS:
 - A. The possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia are wrong and harmful to students and are prohibited within the school environment.
 - B. Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion.
 - C. Student motor vehicle use to, and in, the school environment is a privilege which may be extended by school districts to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student’s use, possession or distribution of alcohol, a drug, a drug-like substance, a look-alike substances or drug paraphernalia, in the school environment, may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items.

Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

- D. All students are responsible for their own actions. **Students who are 18 years or older** will be treated as adults for the purposes of reporting violations of this policy and of the law to the police. Such students 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.
- E. 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 Title 16 *Delaware Code* Ch. 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate.

II. THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS POLICY:

- A. **"Alcohol"** shall mean 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"** shall mean any controlled substance or counterfeit controlled substance as defined in 16 Del.C. §4701 (6) and (7), including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.
- C. **"Drug paraphernalia"** shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the *Delaware Code*, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.
- D. **"Prescription drugs"** shall mean any substance obtained directly from, or pursuant to, a valid prescription or order of a practitioner, as defined in Title 16 *Delaware Code* Section 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"** shall mean any noncontrolled and/or nonprescription 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, caffeine pills and diet pills. The definition of drug like substance does not include tobacco or tobacco products which are governed by Title 14 *Delaware Admin. Code* Section 877 Tobacco Policy.
- F. **"Non-prescription medication"** shall mean any over-the-counter medication; some of these medications may be a "drug-like substance."
- G. **"Look alike substance"** shall mean any noncontrolled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a drug or a noncontrolled substance capable of producing a change in

behavior or altering a state of mind or feeling. See Title 16 *Delaware Code Sec. 4752A*.

- H. **“Possess”, Possessing”, or “Possession** means that a student has on the student’s person, in the student’s belongings, or under the student’s reasonable control prohibited items or substances.
 - I. **“Use”** shall mean that a student is reasonably known to have voluntarily 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”** shall mean 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”** shall mean 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 school sponsored extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.
 - L. **“Expulsion”** the exclusion from the regular school setting for a period determined by the local District board.
- III. THE FOLLOWING REGULATIONS SHALL APPLY TO THIS POLICY:
- A. At the beginning of each school year, and whenever a student enrolls or re-enrolls during the school year, each student and his or her parent, guardian, or relative caregiver shall receive an updated Student Code of Conduct.
 - B. The State and District policies shall apply to all students, except with respect to students with disabilities, the applicable State and Federal law will be followed.
 - C. Staff members will report incidents to the Principal/Designee who will verify the identity of the student and the probable cause that a policy violation has been committed. The Principal/Designee where required will report the incident to the police and will file a report to be sent to the Department of Education. Parents will be notified as quickly as possible via the telephone. If telephone contact cannot be made, a letter will be sent home. Records will be maintained in a separate discipline file and confidentiality will be followed. Names and details of any particular incident will be revealed only to those staff persons who are required to know the specific information.
 - D. Any physical evidence of a policy violation will be submitted to the Principal/Designee. The Principal/Designee will document the date, time, and description of the evidence and the name(s) of the student(s) involved. Evidence will be locked in a secure area determined by the Principal/Designee and submitted to the police upon their arrival.
 - E. General searches of the property of a student may be conducted by the Principal/Designee at any time upon reasonable suspicion. A search of the student may be conducted when reasonable suspicion exists to believe that the student may have in his/her possession any item prohibited by this policy. For the student search, a witness will be

present; parents will be notified; and a written record will be prepared and filed.

- F. All prescription and over-the-counter non-prescription drugs shall be presented to the school nurse upon entering the school building. The nurse will be responsible for dispensing those drugs to the students until they leave at the end of the school day. Any of these drugs not submitted to the school nurse will be considered in violation of this policy.
- G. The discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students. Such out-of-school conduct shall include, but is not limited to, the sale, transfer, or possession of drugs which would constitute an offense punishable by law.
- H. Students expelled from school for alcohol and drug infractions must petition the District Board of Education for readmission. Evidence must be provided of having received appropriate related services pertinent to the expulsion offense.
- I. Notwithstanding any of the foregoing, students are permitted, in their discretion, to use and possess an asthmatic quick relief inhaler (“inhaler”) and/or auto-injectable epinephrine with individual prescription label; provided, nevertheless, that the student uses the inhaler and/or auto-injectable epinephrine pursuant to prescription or written directions from a state licensed health care practitioner; a copy of which shall be provided to the District; and further provided that the parent(s) or legal custodian(s) of such student provide the District with written authorization for the student to possess and use the inhaler or auto-injectable epinephrine such student’s discretion together with a form of release satisfactory to the District releasing the District and its employees from any and all liability resulting or arising from the student’s discretionary use and possession of the inhaler and/or auto-injectable epinephrine and further provided that the school nurse may impose reasonable limitations or restrictions upon the student’s use and possession of the inhaler and/or auto-injectable epinephrine based upon the student’s age, level of maturity, behavior, or other relevant considerations. Parents or legal guardians shall not be required to provide or sign a form of release where the student’s use and possession of an asthmatic quick inhaler or autoinjectable epinephrine is determined by the students IEP or Section 504 Team to be necessary for the student’s educational placement. Except as provided for in a student’s Section 504 Plan or IEP, the school nurse may not unilaterally impose limitations or restrictions on a student’s use and possession of an asthmatic quick release inhaler or autoinjectable epinephrine if a Section 504 Team or IEP Team has determined the use of the medication is necessary for the student’s educational placement. (For students who use prescribed asthmatic quick relief inhalers and/or auto-injectable epinephrine, see 14 DE Admin. Code 817, Administrations of Medications and Treatments.)

The Principal/Designee is responsible for enforcing the discipline policy in a

manner which is consistent, fair, and firm. The administration reserves the right to treat each case on an individual basis, taking into consideration the overall school record of the student, self-referral, and other mitigating circumstances.

IV. THE FOLLOWING DISCIPLINE POLICY SHALL APPLY FOR INFRACTIONS OF STATE AND DISTRICT DRUG AND ALCOHOL POLICES:

Use and/or Possession of a Drug and/or Alcohol and/or Drug Paraphernalia (C0701 – C0713, D0501, D0502, D1201, D1301): a student unlawfully possesses, uses or is under the influence of alcohol, a drug, drug paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 to 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/

- guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Distribution of Drugs and/or Alcohol and/or Drug Paraphernalia (C0701 – C0713, D0501, D1201, D1301): the sale, transfer, or distribution in school, on school property, or on school field trip of drugs or alcohol

Grades K – 5: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 - 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification

- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

Grades 6 – 12: Level IV Offenses

First Offenses

REQUIRED:

- Suspension (5 - 10 days)
- Police notification
- Parent/guardian notification
- Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense
- Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

OPTIONAL:

- Expulsion
- Referral to Alternative Program

Subsequent Offenses

REQUIRED:

- Expulsion
- Suspension pending a hearing (10 days)
- Police notification
- Parent/guardian notification
- DOE Student Conduct Report will be filed as required by law
- Recommendation to counseling or appropriate social service agency

V. THE PROGRAM FOR INTERVENTION AND ASSISTANCE SHALL INCLUDE:

- A. Staff persons are to refer students to their school counselors to receive initial counseling and to obtain information on counseling/treatment services available to the student or the student's rights, if any, to those services and on the confidentiality which the student can expect.
- B. Each high school shall maintain in its guidance office available to students and their parents/guardians a directory of resources available in the school environment and in the community for counseling for drug and/or alcohol treatment.
- C. At the beginning of each school year, and in the event of a new employee, the Principal/Designee will distribute the referral procedures and resources. The Principal/Designee will request staff assistance in encouraging students to seek support.
- D. Students with drug or alcohol problems will be referred to their school counselor for needs assessment, counseling, district program participation, and referral to outside agency, if appropriate.
- E. No cost is required from students for counseling provided by the school counselor or programs sponsored by the building/district. Any cost for counseling, treatment, or testing provided by outside agencies will be borne by the student.

ANY REVISIONS OF THE APPOQUINIMINK SCHOOL DISTRICT DRUG AND ALCOHOL POLICY WILL BE SUBMITTED TO THE DEPARTMENT OF EDUCATION FOR REVIEW AND APPROVAL.

APPENDIX IV APPOQUINIMINK SCHOOL DISTRICT EDUCATIONAL TECHNOLOGY – ACCEPTABLE USE AGREEMENT

Educational technology is rapidly expanding in the Appoquinimink School District and is expected to continue. The Appoquinimink School District believes that it is essential that all users of district technology understand both the benefits and the responsibilities associated with technology usage. Instructions for implementing the district's Acceptable Use Agreement will be provided by administrators, teachers, or library staff, whichever is applicable. Appoquinimink School District educational technology is defined as any device which is capable of or necessary for the transmission, reception, or storage of data in the form of text, pictures, video, or audio which is owned by the district for the purpose of instruction or the support of education. Examples of educational technology include but are not limited to computers, peripherals, (such as monitors, printers, scanners, CD-Rom towers, etc.), networked devices, televisions, audio-visual devices, recorders, copiers, fax machines, display devices, software, assistive technology devices, and telephones. It also includes the use of the Internet, which connects millions of computers worldwide, as well as all computers, networks, databases, information systems, and electronic instructional systems provided by the Appoquinimink School District.

This agreement encompasses all student, staff, and community use of technology systems provided by the Appoquinimink School District. All students, staff, and community members who use Appoquinimink School District educational technology in any form are required to sign the Acceptable Use Agreement and return it to the administrator in charge of technology in each building. The use of district technology is a privilege – not a right. Currently there are no user fees for these services. In the event a user fee is charged, users will be provided with notice of the charge prior to the imposition or collection of such.

I. GOALS

- A. To support the Appoquinimink School District curriculum
- B. To support educational research activities
- C. To enhance learning opportunities by using information technology
- D. To promote life-long learning

II. ACCEPTABLE USE

All systems are to be used in a responsible, ethical, and legal manner. In addition, usage must be in support of Educational objectives and in accordance with the behavior guidelines of the Appoquinimink School District.

III. UNACCEPTABLE USE

- A. No software may be copied to or downloaded from any computer of the network except by permission of a building administrator or his/her designee in each building.
- B. Involvement (implying direct or participatory) in unauthorized editing, deleting, or copying of any data, records, databases, passwords, directories, or configuration files is prohibited.
- C. Violating copyright or privacy laws is prohibited.
- D. Distributing material protected by trade secrets is prohibited.
- E. Soliciting, using, or sending any threatening (implying harm – physical or emotional), pornographic, or obscene material is prohibited.
- F. The purposeful use of any system inconsistent with its design is prohibited.
- G. Use of any computing resources for commercial purposes is prohibited. This includes the use of the network for commercial activities for or on behalf of businesses or other for-profit institutions, including, but not limited to product advertisement or political lobbying.
- H. Use of district technology resources for unauthorized activities is prohibited.
- I. Disconnecting any device from the district technology devices without the proper authorization is prohibited.
- J. Transmission of any material in violation of any federal and/or state regulation or law is prohibited.
- K. Students attempting to log on to any system using another's password or sharing of a user's password with anyone else is prohibited.
- L. Users shall not attempt to gain unauthorized access to the system or to any other computer system through the district system, or go beyond their authorized access.

IV. USER RESPONSIBILITIES AND ETIQUETTE

- A. The individual user (students/staff/community members) accepts the responsibility of keeping all unauthorized material, inappropriate files, or files dangerous to the integrity of the computer or network from entering the school's computers by any manner or means. Appropriate permission must be obtained from an authorized staff member before downloading any material from the Internet or other electronic sources of information.
- B. When using district networks, the Internet, or other information service providers, users:
 - 1. Are prohibited from revealing personal information such as home addresses or phone numbers
 - 2. Must not disrupt the use of any network (i.e. downloading large files, sending mass e-mail messages)
 - 3. Must assume that any communication and/or information accessible via any computer or network is not personal and private communication and could possibly be accessed by other users
 - 4. Are not responsible for unsolicited communications
- C. When using school technology resources, users must always use non-offensive and non-vulgar language. They must not swear or use vulgarities, other abusive language, or any offensive statements.

- D. Users will contact appropriate staff (teacher, administrator, administrator's designee or library staff member) if any computer and/or program does not work properly. They will not attempt to fix problems themselves unless trained and authorized to do so.

V. DUE PROCESS

- A. The district will cooperate with local, state, or federal officials in any investigation concerning or relating to any illegal activities conducted through district technology resources.
- B. Allegations that a student violated the Appoquinimink School District Acceptable Use Agreement will be handled in accordance with the Appoquinimink School District Code of Conduct (Board Policy #7209).
- C. Allegations that an employee violated the Appoquinimink School District Acceptable Use Agreement will be handled in accordance with the employee contract.
- D. The district may terminate the account privileges of a guest user by providing notice to the user.

VI. CONSEQUENCES

Inappropriate use or vandalism will result in the limitation or cancellation of user privileges and when necessary, appropriate legal action. If damage occurs due to willful user misconduct, the user may be permanently denied access to technology resources. The cost of repair or replacement for such willful damage will be billed to the user who caused said damage and/or the legal parent or guardian of that user.

VII. SECURITY

Security on any computer system is a high priority, especially when multiple users are involved. If a user identifies a security problem, he/she must notify an appropriate staff member immediately. Users sending messages relating to, or in support of, illegal activities should be aware that system administrators have access to their communications. Computers, networked technology, and information contained thereon, remain the property of the district. Confidential student files may be accessed by authorized personnel. If any employee has something personal, confidential, or private to communicate, the employee should not use district computers or e-mail for doing so. Computers and e-mail may be monitored. This document satisfies the district's obligation to provide employees notice of such monitoring. The district strives to maintain a workplace and educational setting free of harassment and sensitive to the diversity of employees and students. Therefore, the district prohibits the disruptive or offensive use of computers, the e-mail system or fax machines. For example, the display or transmission of sexually explicit images, messages, and cartoons is prohibited. Other misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassing or disrespectful.

VIII. DISCLAIMER

The Appoquinimink School District does not condone and will not be held responsible for any unacceptable materials obtained using its computers

or other information technology. By the nature of this activity, offensive or inappropriate material may be inadvertently encountered. If such material is accessed, the user is expected to immediately leave the website. Students, staff, and community members should be aware that access to Appoquinimink School District information technology will be withdrawn from users who do not respect the rights of others and who do not follow the rules and regulations established by the district. Further, the use of any information obtained via the Appoquinimink School District computers is strictly at the risk of the individual user and such usage shall be consistent with the requirements of this agreement. The district specifically denies any responsibility for the accuracy or quality of information obtained through the services provided for in this agreement.

APPENDIX V

APPOQUINIMINK SCHOOL DISTRICT

Bully Prevention & Cyberbullying Policy

The Appoquinimink School District (hereinafter referred to as “The District”) recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and safe working environments for all staff members.

- I. **PROHIBITION OF BULLYING WHICH INCLUDES CYBERBULLYING**
To further these goals, and as required by 14 Del. C. § 4112D, the District hereby prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or person with reliable information about an act of bullying. As used herein, the term “school functions” includes field trips or any officially sponsored school event.

“School property” as used herein means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.

- II. **THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS POLICY:**
 - A. “Bully” or “Bullying” as used in herein shall mean any intentional written, electronic, verbal or physical act or actions against a student,

school volunteer, or school employee that a reasonable person, under the circumstances should know will have the effect of:

1. Placing a student, school volunteer, or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or
2. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or
3. Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or
4. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

An act is intentional if it is the person's conscious objective to engage in conduct of that nature.

B. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which:

1. interferes with a student's physical well-being; or
2. is threatening or intimidating; or
3. is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school.

Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below

are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/throwing objects at someone, gesturing, etc.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening

Relational Bullying: Isolation of an individual from his or her peer group, spreading rumors.

Cyberbullying: Bullying by using information and communication technologies. Cyber-bullying may include but is not limited to:

Denigration: spreading information or pictures to embarrass,

Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,

Exclusion: isolating an individual from his or her peer group,

Impersonation: Using someone else's screen name and pretending to be them

Outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other district/charter school policies or building, classroom or program rules.

III. SCHOOL-WIDE BULLY PREVENTION PROGRAM

Each school shall develop or adopt a school-wide bully prevention program that is research-based. The goals of the school-wide program will be to reduce any existing bullying problems among students, to prevent development of new bullying problems, and to achieve better peer relations and staff-student connections at school. The Principal or Designee of each school will establish a Coordinating Committee, as described in Section IV of this Policy, responsible for coordinating the school's bully prevention program. In addition, each school's supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this Policy.

IV. COORDINATING COMMITTEE

The Principal or Designee of each school shall establish a site-based committee (hereinafter, “the Committee”) that is responsible for coordinating the school’s bully prevention program including the design, approval, and monitoring of the program. A majority of the members of the Committee shall be members of the school professional staff, of which a majority shall be instructional staff. The Committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 7 through 12), parents and staff from the before- or after-school program(s). These representatives shall be chosen by members of each respective group except that representatives of the non-employee groups shall be appointed by the school Principal or Designee. The Committee shall operate on a 1-person, 1-vote principle. In the event a site-based school discipline committee has been established pursuant to § 1605(7), a and b, of Title 14 of the Delaware Code, that committee shall vote whether or not to accept the aforementioned responsibilities.

Each Committee established pursuant to this Policy shall:

1. Hold regular meetings.
2. Select a coordinator of the School-Wide Bully Prevention Program.
3. Consider, decide upon, and coordinate any staff training sessions (beyond the 1 hour gang and bully prevention training required in 14 *Del. C. 4123A*), as needed.
4. Create and maintain a training log (either paper or electronic) to keep a record of the school staff who have been trained, and what training they have received.
5. Review the school’s supervisory system for non-classroom areas and make recommendations for modifications, if necessary, to the school’s Principal/Designee.
6. Plan a school kick-off event.
7. Establish subcommittees, as needed.
8. Decide upon and implement methods of notification to students, parents and the community concerning the School-Wide Bully Prevention Program.

The foregoing is not an exclusive list.

V. REPORTING BULLYING INCIDENTS

It is the responsibility of each member of the school community: students, staff members, and parents, to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously.

A. Any staff member that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the administration. The staff member must follow up any initial verbal report of a suspected bullying incident with a written report within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:

1. Persons involved, designating bully, target, and bystanders roles.
2. Time and place of the conduct and alleged number of incidents.
3. Potential student or staff witnesses.
4. Any actions taken.

B. Any student, parent, or other member of the school community who suspects that a bullying incident(s) has occurred, or is, occurring, should immediately report the same to a school staff member or administrator.

VI. INVESTIGATIVE PROCEDURES

A. Each school is required to have a procedure for the administration to promptly investigate all complaints/reports of bullying in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying. Each principal may designate a person or persons to be responsible for responding to bullying complaints. Each confirmed incident of bullying must be recorded in the School Register of Bullying Incidents.

B. All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the Principal or Designee within five (5) working days pursuant to Department of Education regulations.

C. Some acts of bullying may also be crimes which under the School Crime Reporting Law (14 *Del. C.* § 4112) are required to be reported to the police and/or the Department of Education.

VII. CONSEQUENCES FOR BULLYING

The disciplinary consequences for students involved in bullying incidents are set forth in the Student Code of Conduct and are expressly incorporated by reference into this Policy.

VIII. STAFF MEMBER TRAINING

The District will provide a combined training each year totaling at least one (1) hour in the identification and reporting of criminal youth gang activity pursuant to § 617, Title 11 of the Delaware Code and bullying prevention pursuant to § 4112D, Title 14 of the Delaware Code to all staff members. The training materials shall be prepared by the Department of Justice and the Department of Education in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 *Del. C.* § 1305(e).

IX. DISCIPLINARY ACTION BASED ON ANONYMOUS REPORTS

Formal disciplinary action solely based solely on anonymous reports is not permitted.

X. NOTIFICATION OF PARENTS

The Principal or Designee shall notify the parent, guardian or relative caregiver pursuant to 14 *Del. C.* 202(f), or legal guardian, of any target of bullying or person who bullies.

XI. IMPLEMENTATION BULLYING PREVENTION PROGRAM

The school bullying prevention program must be implemented throughout the year, and integrated with the school's discipline policies and 14 *Del. C.* § 4112.

XII. ACCOUNTABILITY

The Principal/Designee of each school shall notify the District in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by January 1 of each school year. The Principal/Designee of each school shall verify for the District the method and date that this policy has been distributed, to all students, parents, faculty, and staff.

XIII. IMMUNITY

A school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person or persons using the procedures specified in the school district or charter schools' bullying prevention policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful, or intentional conduct.

XIV. OTHER DEFENSES

A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the District initiated under this policy provided there is sufficient school nexus.

B. This policy does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with District policy.

XV. RELATIONSHIP TO SCHOOL CRIME REPORTING LAW

An incident may meet the definition of bullying and also the definition of a particular crime under State or federal law. Nothing in this policy shall prevent school officials from fulfilling all of the reporting requirements of § 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law.

XVI. RULES AND REGULATIONS

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement Title 14 Section 4112D of the Delaware Code.

XVII. NON-CLASSROOM SUPERVISION

To the extent that funding is available, each school must develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

XVIII. PROCEDURE FOR COMMUNICATING WITH MEDICAL AND MENTAL HEALTH PROFESSIONALS

District staff will follow the same procedures for communicating with medical and mental health professionals involved in treating students for bullying issues as are utilized for all other communications with medical and mental health professionals concerning students. Release of information forms must be signed by the parent, guardian or relative caregivers pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPAA and FERPA guidelines. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to their child. After confirmation that a child has been involved in a bullying incident, if the principal or designee recommends a mental health evaluation be completed, the school may:

- a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
- b. Require that student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
- c. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designee prior to return to school or the general population.

Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hot line (302)-633-2600. Non-emergent

services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance company for recommended providers in the area.

XVIX. LIMITATION/EXCLUSION

Nothing in this policy is intended to prohibit the expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other district policies or building, classroom or program rules.

XX. SCHOOL OMBUDSPERSON INFORMATION: ATTORNEY GENERAL'S OFFICE'S BULLYING HOTLINE (1-800-220-5414)

The telephone number of the Department of Justice School Ombudsman shall be provided in writing to parents, students, faculty, and staff; and shall be on the website of the school district and each school. The contact information shall also be prominently displayed in each school.

XXI. INFORMING STUDENTS OF ELECTRONIC MEDIUMS

Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy through the end of 2015-16 school year, postings on Facebook, Twitter, MySpace, YouTube, Snap Chat, Instagram, Vine, Tumblr, Goggle+ and Pinterest shall, at minimum, be included in each district's and charter's school list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

This list is NOT considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim shall be considered as an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as "blogs" which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.

XXII. POLICY NOTIFICATION

The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff.

APPENDIX VI

APPOQUINIMINK SCHOOL DISTRICT

Harassment Policy

The Appoquinimink Board of Education believes that every employee, student, contractor, parent, or other person having contact with Appoquinimink School District should be treated at all times with appropriate courtesy, respect, and consideration by all people employed, students attending, or associated with our District. It is our policy that all persons be treated with civility and fairness, and that all employees/students be provided with the opportunity to teach/learn in an environment conducive to effective teaching and learning, characterized by mutual respect and free from intimidation, discrimination, sexual misconduct and/or abuse, sexual violence, foul or abusive language, ridicule, insult, overt hostility, and harassment as defined by this Policy. Appoquinimink School District strongly disapproves of harassment on any basis prohibited by this Policy or our Equal Opportunity Policy. This Policy also protects our students in all educational programs and activities. This includes academic, educational, extracurricular, athletic, and other programs of the school, whether those programs or activities take place in our school facilities, on a school bus, field trip, at a class or training program sponsored by the school at another location, or elsewhere.

The term “harassment” as used in this Policy means:

- Discriminatory conduct that is prohibited by law, such as sexual harassment and harassment on the basis of a person’s race, color, national or ethnic origin, religion, creed, age, disability or handicapped status, veteran status, or other characteristic prohibited by Appoquinimink School District’s Equal Employment Opportunity Policy;
- Sexual violence is a form of harassment under this Policy. Sexual violence is defined as physical sexual acts perpetrated against a person’s will, or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. A person may also be unable to give consent due to their intellectual or other disability. Sexual violence can be, but is not limited to, such acts as rape, sexual assault, sexual battery, and sexual coercion. All such acts are forms of sexual harassment under District Policy.
- Other serious misconduct that the District prohibits because it interferes with a proper teaching, learning, or work environment even if it is not unlawful.

Of the conduct prohibited by law, sexual harassment needs to be defined because of its serious nature and consequences. Sexual harassment is any unwelcome conduct of a sexual nature. Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment if:

- Submission to or cooperation with the conduct is either explicitly or implicitly made a term or condition of a person’s employment or academic standing;

- Submission to or rejection of such conduct is used as the basis for employment decisions or academic standing affecting the person;
- The conduct would amount to sexual abuse of a minor;
- The conduct or behavior is committed by a person in authority such as a teacher, coach, or administrator;
- The conduct involves a sexual relationship by an employee with a student regardless of the student's age or consent; or
- Such conduct has the purpose or effect of unreasonably interfering with a person's work performance, work/teaching environment, or learning environment – such conduct may include sexual jokes, posters, cartoons, and annoyances by undesired physical conduct, inappropriate physical contact, or sexual innuendoes made to a person known to find them offensive.
- Such conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program.

Other conduct or comments constitute harassment prohibited by this Policy if a reasonable person would consider the behavior or comments to:

- Be unwelcome or offensive;
- Create an intimidating or hostile work, teaching or learning environment; or
- Ridicule or demean a person or group based on race, color, national or ethnic origin, religion, creed, sex, sexual orientation, age, disability or handicapped status, or other characteristic prohibited by Appoquinimink School District's Equal Employment Opportunity Policy.

Examples of behavior that may be considered harassment include:

- Written or verbal abuse or threats;
- Offensive or insulting comments, innuendoes or actions;
- Offensive or demeaning posters, graffiti, pictures, drawings, or cartoons;
- Cultural, racial, or ethnic slurs;
- Vandalism of personal property.

Examples of Sexual Violence:

- Rape;
- Sexual assault;
- Sexual battery;
- Sexual coercion;
- Inappropriate sexual conduct.

Filing/Reporting a Complaint under this Policy:

Harassment can come from many sources, including administrators, superiors, fellow employees, students, vendors, parents or other persons associated with the District. Any employee, student, or individual who believes that he or she has been the victim of harassment from any source in violation of this Policy, or if a staff members witnesses misconduct as described in this Policy should immediately inform one of the following persons: his or her teacher, supervisor, principal, Director of Human Resources, or Assistant Superintendent. If the complaint involves someone in the direct line of supervision or authority, or if

the person is uncomfortable for any reason with discussing such matters with the designated people, or if the person is not satisfied after bringing the matter to the attention of these people, the employee should report the matter directly to the Superintendent. The complaint can be verbal or written in reporting a violation of this Policy.

Responsibility to Report:

All principals, supervisors and other management or administrative employees are required to report promptly to their immediate superior and to the Director of Human Resources all known or suspected violations of this Policy, including all employees, students, applicants, contractors, or other complaints of unlawful discrimination or harassment. This reporting should be done whether a complaint has been filed or not. All complaints must be reported even if the person making the complaint requests that no one else be told or that it be kept confidential. Any employee who suspects or hears rumors of sexual misconduct toward a student must report it to the building administration or the Director of Human Resources. Disciplinary action may be taken against a person who knowingly withholds information. A student making a complaint who is under 18 years of age, the District will contact their parent regarding the investigation and confidentiality of the student's name. The District will request authorization to start an investigation for student's younger than 18 years of age but shall also conduct an investigation if this authorization is not obtained. The District will seek full support from the parents of any student making a complaint who is younger than 18 years of age.

Investigation:

All complaints will be investigated promptly and concluded within 60 calendar days. If a complaint is determined to be valid, appropriate corrective action will be taken, including further inquiry as necessary to determine that the harassment has stopped. Discipline of Appoquinimink School District employees, students, or contractors will be based on the severity of the offense and may include termination of employment or suspension or expulsion from school. The District will also take appropriate action with vendors or others not directly employed by the District who engage in harassment.

Although Appoquinimink School District must disclose information about the complaint – sometimes including the identity of the complainant – to conduct a proper investigation, the District will keep complaints, related investigations, and the terms of their resolution as confidential as reasonably possible. Retaliation against complainants, victims, or witnesses is strictly prohibited and is itself grounds for disciplinary action.

Employees, students, and others making complaints under this Policy are cautioned against making false accusations or providing false information in an investigation of possible harassment. Such accusations can have serious effects on the falsely accused. Disciplinary action may be taken against a person who knowingly gives false information in an investigation, who falsely accuses another person of harassment, or who refuses to cooperate in an investigation.

Any staff member/employee convicted of a sex act shall report it to their administrator or the Director of Human Resources immediately.

Harassment prohibited by this Policy does not include every minor annoyance, perceived lack of friendliness, personality conflict not accompanied by overt incivility, or other ordinary disagreements that occasionally arise in the school or workplace and may cause unhappiness. Still, some conduct that does not constitute harassment within the definition of this Policy may nevertheless interfere with an employee's productivity or enjoyment of work at Appoquinimink School District. If you are subjected to such conduct and are unable to resolve the matter with the other person or people involved, or are uncomfortable attempting to do so, please ask your supervisor, principal or Human Resources for help or advice. While disciplinary action will probably not be appropriate, they can counsel the people involved and otherwise help resolve the problem.

Responsibility for Enforcement:

All Appoquinimink School District administrators, managers, and supervisors are responsible for enforcing this Policy. All employees and students are responsible for respecting the rights of others and for maintaining a workplace and learning environment free of harassment as defined in this Policy.

This Policy will be reviewed annually with all District administrators. Building principals will be required to review this Policy with their staff annually as well as with students including rights and responsibilities to report violations of the Policy and to whom to report.

Any questions regarding this Policy should be directed to the Director of Human Resources.

APPENDIX VII
APPOQUINIMINK SCHOOL DISTRICT
Family Educational Rights and Privacy Act (FERPA)

Appoquinimink School District's Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the Appoquinimink School District (Hereafter referred to as District) with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information (PII) from your child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in an Arts, play or drama production;
- The annual yearbook or CD;

- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets or programs such as for wrestling, showing weight and height of team members, basketball programs, football programs, academic competition programs etc.
- College enrollment tracking through the National Student Clearinghouse
- Free Application for Federal Student Aid (FAFSA) completion tracking

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. **[Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).]**

If you do not want the District to disclose the type of directory information identified above from your child's education records without your prior written consent, you must notify the District in writing by **September 15th** after the start of each school calendar year. The Appoquinimink School District has designated the following type of information as directory information:

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| <ul style="list-style-type: none"> • Student's name • Address • Telephone listing • Electronic mail address • Photograph • Date and place of birth • Major field of study • Dates of attendance • Grade level | <ul style="list-style-type: none"> • Participation in officially recognized activities and sports • Weight and height of members of athletic teams • Degrees, honors, and awards received • The most recent educational agency or institution attended • Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, will not be used for this purpose.) |
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APPENDIX VIII APPOQUINIMINK SCHOOL DISTRICT

Responding to Teen Dating Violence and Sexual Assault Policy

Definition: The following words, terms, and phrases, when used in this Policy, shall have the meaning ascribed to them except when the context clearly indicates another meaning:

- a) “Sexual Assault” means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim, or a perpetrator who is known by the victim, or related to the victim by blood, marriage, or civil union. Behaviors that fall under this definition include, but are not limited to:
- Sexual harassment as defined by Title 11, § 763;
 - Sexual contact as defined by Title 11, § 761;
 - Sexual intercourse as defined in Title 11, § 761;
 - Sexual penetration as defined in Title 11, § 761 and child abuse as defined in Title 10 § 901.
- b) Teen dating violence means assaultive, threatening, or controlling behavior, including but not limited to, stalking as defined in Title 11, § 1312, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships and in serious casual relationships.

Although this Policy is established to comply with Title 14, § 1312E, School Teen Dating Violence and Sexual Assault Act, it also overlaps with Title 14 § 1312, Reporting School Crimes. The following mandatory and non-mandatory reporting protocol is as follows:

School Crimes:

Title 14 § 4112 requires an immediate report and shall be made by the school principal or designee to the appropriate police jurisdiction when a school employee has reasonable suspicion that one of the following offenses occurred:

A student suffers a violent felony offense, unlawful sexual contact, or an assault that is not sexual in nature. Also a mandatory reporting is required if the school employee commits any violent felony, assault in the third degree or any sexual offense against a student regardless of where the incident takes place. This offense also requires an immediate report to Division of Family Services. Any school employee who witnessed or who has knowledge of the incident shall also report it.

Sexual Violence:

Any abusive sexual behavior that is committed against a minor or an adult, regardless of where the incident took place, must immediately be reported to Division of Family Services. However, if a student, 18 years of age or older,

is a victim of sexual violence that occurs outside the school environment, then the incident does not require a mandatory report (unless the perpetrator is a school employee). Law enforcement should also be contacted in cases of sexual violence. This reporting requirement must be made by any school employee who witnessed or was given information about the incident.

Teen Dating Violence:

In general, teen dating violence is not a mandatory report except under certain circumstances. These circumstances include:

- a) Violent Felony in the school environment:
 - An immediate report shall be made by the school principal or designee to the appropriate police jurisdiction.
- b) Assault III in the school environment:
 - An immediate report shall be made by the school principal or designee to the appropriate police jurisdiction.
- c) Unlawful Sexual Contact III in the school environment:
 - An immediate report shall be made by the school principal or designee to the appropriate police jurisdiction.
- d) Abusive Sexual Behavior Against a Minor regardless of where the incident occurs and Abusive Sexual Behavior against a student 18 years of age or older in the school environment:
 - An immediate report shall be made to the Division of Family Services Law Enforcement should also be contacted.
- e) Threats of Harm to Self or Others:
 - An immediate report shall be made to the appropriate police jurisdiction.

Responding to Teen Dating & Sexual Violence:

This protocol is intended for teen dating violence situations that occur (in the school environment or outside the school environment) and do not require a mandatory report to Division of Family Services or law enforcement.

- a) Any school employee who learns that a student may be a victim of teen dating violence not requiring a mandatory report shall take the following steps:
 - 1) Separate the victim from the alleged perpetrator. Do not, under any circumstances, meet with the victim and alleged perpetrator together.
 - 2) Refer to the Student Code of Conduct based on the behavior but consider additional responses, such as providing outside resources to the student.
 - 3) Refer the victim to the counselor in the school for services and safety planning.

Any counselor in the school who learns from another school employee that a student may be a victim of teen dating violence not requiring mandatory reporting shall take the following steps:

- Inform the victim of school and community resources as needed, including their right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection from Abuse Order.
- Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after school activities.

Protocol for Responding to Teen Dating Violence When Mandatory Reporting is Required:

Any school employee who learns that a student may be a victim of teen dating violence requiring mandatory reporting shall take the following steps:

- Separate the victim from the alleged perpetrator. Do not, under any circumstances, meet with the victim and alleged perpetrator together.
- Report mandatory reporting incidents to the appropriate police jurisdiction. Division of Family Services must also be notified if sexual violence occurs in the teen dating relationship. The School Resource Officer may also be notified, if applicable.
- Refer to the Student Code of Conduct based on the behavior, but consider additional responses, such as providing outside resources to the student.

Protocol for Responding to Sexual Violence – Where Mandatory Reporting is not Required.

Mandatory reports are required in all instances of sexual violence except for when a student, 18 years of age or older, is a victim of sexual violence that occurs outside of the school environment (unless the perpetrator is a school employee). This protocol is intended for those instances that **do not** require a mandatory report.

Any school employee who learns that a student, 18 years of age or older, may be a victim of sexual violence not requiring mandatory reporting shall take the following steps:

- Separate the victim from the alleged perpetrator. Do not, under any circumstances, meet with the victim and alleged perpetrator together.
- Refer to the Student Code of Conduct based on the behavior, but consider additional responses, such as providing outside resources to the student.
- Refer the victim to the Counselor in the school for services and safety planning.

Any Counselor in the school who learns from another school employee, that a student may be a victim of sexual violence not requiring mandatory reporting, shall take the following steps:

- Inform the victim of school and community resources as needed, including the right to access advocacy and counseling services, file charges, or seek legal protection, such as a Protection from Abuse Order.
- Encourage the victim to seek medical attention. The victim will not be responsible for out of pocket costs by obtaining a Sexual Assault Exam.

- Monitor the victim’s safety as needed. Assist the victim with safety planning for the school day and for after school activities.

Protocol for Responding to Sexual Violence - Mandatory Report Required.

- a) Regardless of where the incident takes place, any abusive sexual behavior against a minor by another minor or adult requires an immediate report to the Division of Family Services. This should also be reported to the appropriate police jurisdiction.
- b) Any school employee who learns that a student may be a victim of sexual violence requiring a mandatory report shall take the following steps:
 - Separate the Victim from the alleged perpetrator. Do not under any circumstances meet with the victim and alleged perpetrator together.
 - Report incidents that fall under the mandatory reporting obligation to the appropriate police jurisdiction and Division of Family Services when appropriate and notify the School Resource Officer if applicable.

The School Administrator or Designee Shall Take the Following Steps:

- Speak with the victim and alleged perpetrator separately if approved by the investigating agency. The alleged perpetrator should be told that any statements made may be part of any future discipline or delinquency or criminal proceeding.
- Speak with bystanders/witnesses who may have been present or involved.
- Administer disciplinary consequences to the alleged perpetrator per the Student Code of Conduct regarding this type of behavior when appropriate, including but not limited to making a disciplinary referral and a counseling referral.
- Inform the victim of his/her right to file a Protection from Abuse Order or school-based complaint of sexual harassment, dating violence or sexual violence with any counselor or administrator. Support the victim in documenting the incident.
- Contact the parents/guardian of the victim and the alleged perpetrator to inform them that an incident of dating violence or sexual violence is being investigated.
- Document actions taken.

Working with Victims:

- Safety is and always will be the primary focus of concern;
- Identify action to be taken to insure safety and ability of this victim to participate in school without fear of intimidation. Include the victim in determining safety precautions.
- Inform parents/guardians of school resources as needed. These include but are not limited to: right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection from Abuse Order.

- Encourage victim to seek medical attention if needed.
- Encourage victim to report further incidents.
- Inform the victim of his/her right to request an in-school Stay-Away Agreement or another school based alternative to a Protection Order.
- If sexual harassment is involved, inform the victim of his/her right to file a complaint of sexual harassment directly with the Title IX Coordinator.
- Monitor the victim's safety.

Administrators May Advise the Victim of His/Her Right to Have a Support Person Present During All Stages of the Investigation. Protocol for Working with the Alleged Perpetrator:

- Conference with the alleged perpetrator and parent/guardian.
- Tell alleged perpetrator that any statements made may be part of future disciplinary, delinquency or criminal proceedings.
- Emphasize expectations for positive behavior.
- Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- Discuss implications of Stay-Away Agreement, school-based alternative to a Protection from Abuse Order.
- Inform perpetrator's parent/guardian regarding the support available at school or in the community as needed.
- Address the seriousness of retaliation against the victim for reporting the incident or cooperation with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliation in any form intended to intimidate the victim or those who are witnesses, or those investigating an incident shall not be tolerated.
- Consider increased supervision of the alleged perpetrator.
- Document the meeting and any action plans in place.

Documentation of Incidents

The School Administration or Designee Shall:

- Maintain teen dating and sexual violence complaints in a file separate from academic records.
- The documentation of teen dating and sexual violence shall include the following:
 - a) Obtain through investigation of the facts regarding: who assaulted who; date, and time; where the incident occurred; names of those present, witnesses and other victims.

- b)The victim and alleged perpetrator information including class schedules, group and club memberships, and school activities.
- c)Disciplinary and accommodations recommendations.
- Response actions taken, including safety planning, referrals for services and counseling and disciplinary actions and:
 - Incident updates, including responses to disciplinary action, alleged perpetrator compliance, utilized of referrals for services, review of safety plans, and takes reports from the victim, including further referrals for services.

