



**K-12**



**BRANDYWINE SCHOOL DISTRICT**



# **2017-18 STUDENT CODE OF CONDUCT**



# Student Code of Conduct

## Parent/Student Acknowledgment Form

This Student Code of Conduct is a document designed to provide rules, expectations, and consequences for student behavior, attendance, and technology usage. **Students and parents/guardians have the responsibility to know and respect the rules as described in the Student Code of Conduct.** We ask that you review the Student Code of Conduct with your child(ren) and have a discussion regarding school expectations.

*Please sign below and have your child sign to acknowledge that you have received a copy of the Student Code of Conduct.*

**Return the signed sheet to your child's homeroom teacher by September 15, 2017.**

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As the parent/guardian of the student listed below, I have reviewed and discussed the Brandywine School District Code of Conduct with my child. We understand the Code and the Board Policies it referenced apply to ALL students at ALL times on ALL Brandywine School District property, including ALL school buildings, in all school vehicles, while using District technology devices, and at all school-related or Board sponsored activities including, but not limited to, school field trips and school sponsored sporting events, whether held on school property or at locations off school property.

By signing below, I am confirming that I have received and reviewed the Brandywine School District Student Code of Conduct with my child. I will make every effort to:

- Ensure that my child abides by the Code of Conduct and Brandywine School Districts Acceptable Use Agreement;
- Ensure that my child attends regularly, and
- Provide acceptable written documentation for the reasons for any absences.

Student's Name: \_\_\_\_\_

School \_\_\_\_\_

Grade \_\_\_\_\_

Parent/Guardian's Name \_\_\_\_\_

\_\_\_\_\_  
(Student's Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Parent/Guardian Signature)

\_\_\_\_\_  
(Date)

**Return the signed sheet to your child's homeroom teacher by September 15, 2017.**







# **STUDENT CODE OF CONDUCT**

## **Student Rights and Responsibilities Grades Pre-K through 12**

**School Year 2017-2018**

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



## **BRANDYWINE SCHOOL DISTRICT BOARD MEMBERS**

John A. Skrobot, Jr., *President*  
Ralph Ackerman, *Vice President*  
Karen Gordon  
Kristin Pidgeon  
Cheryl Siskin  
John Skrobot III

Mark A. Holodick, Ed.D., *Executive Secretary*

## **DISTRICT ADMINISTRATION**

Mark A. Holodick, Ed.D., *Superintendent*  
Lincoln Hohler, *Assistant Superintendent*

## **Brandywine School District**

1311 Brandywine Blvd.  
Wilmington, DE 19809  
(302) 793-5000

# **BRANDYWINE SCHOOL DISTRICT**

## **Vision:**

*Is to Embrace, Inspire and Challenge Every Student Every Day*

## **Mission:**

It is the Brandywine School District's mission to educate all students to their full potential so that each student may excel in the world community and develop a passion for life-long learning.

## **Strategic Goals:**

1. Provide a safe and healthy learning and working environment to maximize student learning.
2. Provide outstanding customer service to students, parents, and community members in a highly professional manner.
3. Empower all students to develop character, compassion, civility, and community consciousness.
4. Intervene early and provide help to students who need it.
5. Employ highly effective educators and provide training for all employees to create strong leaders, teachers, and support staff.
6. Tailor instruction to students' needs, and give all students every opportunity to master rigorous curriculum.
7. Develop students' talents, character and encourage engagement. Increase the percentage of students involved in co-curricular activities.
8. Stewardship: Continue to improve effectiveness and efficiency of district operations.

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## ANNUAL NOTICE

The Brandywine 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. Inquiries regarding compliance with the above can be directed to:

**Section 504:** Contact Dr. Lisa Lawson, Director, Special Education & Support Services, Brandywine School District, 1311 Brandywine Blvd, Wilmington, DE 19809. Telephone (302) 793-5043

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

**Title IX:** Contact Kim Doherty, Executive Director of Human Resources, Brandywine School District, 1311 Brandywine Blvd, Wilmington, DE 19809. Telephone (302) 793-5048

Title IX Coordinator's Responsibilities: To coordinate the Brandywine 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

## SCHOOL BULLYING PREVENTION

State of Delaware Department of Justice  
School Ombudsman  
(800) 220-5414

# WELCOME TO THE BRANDYWINE SCHOOL DISTRICT!

The goal of the Brandywine 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 that 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.

## INTRODUCTION

The Code includes a lot of information that is very important:

- We want our schools to be places where students feel welcomed and are excited about learning.
- We want students to feel that their teachers, administration, and other staff in the school support them so that they can achieve their best
- We want to make sure that all students are treated fairly
- We want students to cultivate new skills and be encouraged by adults to improve their behavior
- We want adults to make all classrooms and schools positive places for students
- We want schools to be welcoming to parents and the community
- We want students to learn strategies to prevent negative behavior
- We want to focus on the whole child, providing support for student success and not focusing only on discipline

Our focus on the whole child means that we understand that we need to **support** student success using new approach and tools. We have many ways of providing this support. We hope to teach students skills to help them problem solve, enhance social skills, connect with caring adults, and receive extra help when they need it. We will teach our staff skills to help them understand and address problem behavior, while supporting and reinforcing positive relationships. Underlying all of this skill-building is the concept of respect for others. Our schools are places where individuals' culture, language, heritage, and experiences are valued and considered.

There are many pages in this manual that outline Student Responsibilities. This includes how students act on school grounds, in school buildings, when they are at a bus stop, when they are on a bus, and when they are attending school events or trips. This manual provides this information, but if there is anything that a student or parent does not understand, we encourage them to talk to a teacher, staff member, or school administrator about it. The purpose of this manual is to be a resource, but it can only be helpful if it is easy to understand.

## **WHO IS CONSIDERED A BRANDYWINE SCHOOL DISTRICT STUDENT?**

A person is considered to be a student in the Brandywine School District if they are:

- Between the ages of 2 and 21; and
- A resident of the Brandywine School District or an approved Choice Program student; and
- Registered in a Brandywine School District school or program.

## **WHAT IS THE STUDENT CODE OF CONDUCT?**

The Student Code of Conduct is an official declaration of the Brandywine 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 PreK-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:

- **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

### **Parent/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 that 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

## ATTENDANCE & TRUANCY

Every parent and/or legal guardian of a child between the ages of 5-18 is required and has the responsibility to assure that his/her child attends school (unless the child has been withdrawn). The District shall comply with all attendance laws and regulations of the state.

**Excused Absence:** An excused absence is an absence for one of the reasons listed below and for which the required parental/professional note of explanation has been presented on or before the fifth day of the student’s return to school. A student’s absence will be marked as unexcused in the Student Accounting System until the parental/professional note is provided.

**Note:** Excused absences are included in the maximum number of absences permitted to meet the Delaware Department of Education’s requirement of attendance for 85% of instructional time to qualify for promotions to the next grade or to receive course credit.

### Maximum Number Of Absences Permitted For School Year:

Kindergarten – Grade 5:	25 absences
Grades 6-12:	13 absences

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

- Illness of the student (a physician’s note may be requested)
- Scheduled appointments to a physical or mental healthcare provider, including, but not limited to, a physician, dentist, orthodontist, and psychologist
- Death in the immediate family; funerals of other relatives or close friends
- 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
- Remedial health treatment
- Absence, pre-approved by the principal, to:
  - a. View a college or university;
  - b. Excused educational experiences may require the student to submit a report to the school principal on the value of the educational experience
- Authorized school-sponsored activities
- Emergency situations as determined by the school principal
- Absences related to military deployment or military moves (a copy of military orders will be required)

Following such an absence, the student shall be allowed to make up all work missed, to take tests that were missed, and to submit any assignments which became due during the absence without penalty. The time allowed for taking tests or turning in assignments shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend the time for making up work missed if circumstances of the situation merit such action. Excused absences for religious observances will not interfere with achieving perfect attendance.

Following the 10th day (nonconsecutive) of parent written excuses, professional documentation will be required (unless professional documentation is on record with substantiated diagnosis).

## **THE STUDENT IS RESPONSIBLE FOR INITIATING MAKE-UP WORK AND TURNING IN ASSIGNMENTS.**

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

- Which is for a reason not listed as excused; or
- 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;
- Where a parent note is provided after the 10th unexcused absence in which there has been prior Visiting Teacher interventions and no documented medical history. A Doctors excuse will be required for absences after the 10th unexcused absences unless otherwise determined by the Visiting Teacher and/or Principal
- Vacations **are not** excused absences
- Educational Experiences that have not received prior approval by the principal

### **Consequences for Unexcused Absences:**

#### **First Violation:**

- Reprimand
- Parent/Legal Guardian Contact or Conference

#### **Subsequent Violations:**

- Parent/Legal Guardian Contact or Conference

#### **Optional:**

- Reprimand
- Detention
- Disciplinary Probation
- Referral to Visiting Teacher
- Referral to the Courts as Required (Student and/or parent/legal guardian)
- Request for Professional Documentation

A student whose absence was unexcused may receive a failing grade (i.e., zero, “I”, “U”) for all assignments missed or tests given during the period of the unexcused absence. While an unexcused absence may result in a failing grade for all assignments due or tests missed, other instructional materials or assignments missed during the absence may be obtained at the initiation of the student or parent. The time for requesting assignments after an unexcused absence shall be equal to time missed from class. A teacher may extend this time if circumstances merit such action.

**Truancy:** Truancy is defined as 4 or more unexcused absences without required documentation or failing to register a child between the ages of 5 -16 years old within a timely fashion

**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.

All students are expected to arrive at school on time. Students who arrive at their first assignment (usually homeroom period) after the start of school are tardy. Parents or guardians of students in grades K-5 must accompany and sign students into the building and provide a written explanation for the lateness. Students in grades 6-12 who are late to school should sign in with the attendance secretary and present a written explanation from a parent as to the reason for the lateness. Parents are given 5 business days from the date of the lateness to provide an excuse note for the lateness. An excused lateness follows the same criteria as an excused absence. When, in the judgment of the principal, or his/her designee, a student’s lateness becomes excessive, the student will be reported to an appropriate staff member for administrative action. Students who do not attend at least half of the periods in a given day will be marked absent for the day.

**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 that 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 students on a block schedule (6th – 12th) who relocate out of state for any time longer than a 5 school days and for students kindergarten through fifth grade who relocate out of state for any time longer than a 10 school days, 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 Brandywine 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:

- the absence is preapproved;
- the student is in good standing;
- the student has a prior record of good attendance;
- missed work is completed and turned in within the allotted time period; and
- 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. *Visiting Teachers reserve the right to make contact prior to the 10th unexcused absence.*

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.

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 code of conduct;
2. Make certain their child attends school regularly; and
3. Provide written documentation for the reasons for any absence.

## **BUS SAFETY AND BEHAVIOR**

The bus is an extension of the school day. The student Code of Conduct remains in effect any time a student is on a school bus. Including but not limited to the assigned bus to and from the school, activity buses, sports buses, field trip buses, etc.)

### **Bus Privilege**

Riding the school bus is a privilege for each student. If the following rules and regulations are not followed, the student may no longer be given the opportunity or privilege to ride the bus. If this privilege to ride a bus is suspended or revoked, the parent(s) will be responsible for transporting their child to and from school.

### **School Bus Safety Rules**

During grades Pre-K to 3rd the Bus Safety Rules will be presented to all students in the district, including walkers. The purpose of these presentations is to ensure students are aware of the bus safety rules, safe procedures while entering and exiting the school bus, and Safe Street crossing techniques, etc.

1. Listen to the bus driver/bus aid and follow directions
2. Stay seated (Hint: back-to-back; bottom-to-bottom; book bag on your lap)
3. NO eating or drinking
4. No fighting-keep your hands and feet to yourself; No horseplay
5. All body parts belong inside the bus-hands, head, hair, feet, etc.
6. Talk quietly-no shouting, screaming, loud noises, etc.
7. Do not throw objects inside, out of the bus or around-keep everything inside your book bag
8. Do not touch emergency equipment-back and side door, windows, roof hatches, first aid and body fluid kits, 2 way radios, etc.

Along with the Bus Safety Rules, the following regulations will assist with safety, prompt arrivals and departures of buses and promoting positive attitudes on the part of students. Violations of these regulations may result in disciplinary actions.

Students must ride their assigned bus to and from their assigned stop. Switching buses for any reason is strictly prohibited. **Students must be present and visible at their assigned stop 10 minutes before the assigned bus stop time. A bus will not be dispatched to pick up students that were not present 10 minutes in advance.**

1. Students are not to leave the bus without the driver's permission, except on arrival at their regular bus stop or at school.
2. Students should help keep the bus clean, sanitary and orderly. They must not damage or destroy bus seats or equipment.

3. The bus windows should not be opened without permission from the driver.
4. Students are not permitted to smoke while on the bus.
5. Students are not to use abusive language, profanity, obscene gestures, or spit on the bus.
6. Students may not bring large musical instruments, live animals, balloons, glass containers, skateboards, or large school projects onto the bus.
7. Athletic equipment brought on the bus must fit between the student's legs and not be placed on the seat or in the aisle. Care and safety when transporting sports equipment should be considered a priority. Students misusing the equipment or allowing another student to misuse the equipment while on the bus will result in losing the privilege to transport the equipment on the bus. Whenever possible, the athletic equipment should be in appropriate equipment bags to avoid sharp edges being exposed to students.
8. Students are to enter the bus, immediately take their seats, and remain seated until the bus comes to a complete stop.
9. Students are to conduct themselves while on the bus in such a way that will not distract the driver. Distracting the driver puts everyone at risk.
10. Students with high school issued parking passes will be ineligible for bus transportation.

### **Cell Phone Use On School Buses**

Cell phone use on a school bus is disruptive and a distraction to the driver which may create a safety issue for the driver and students. During the bus ride, students must turn cell phones off and secure them out of sight.

### **Surveillance On School Buses**

School buses may have surveillance cameras which include audio and video capability. These tapes and/or hard drives may be used in disciplinary procedures.

### **Safety Procedures for Boarding and Exiting the Bus**

1. Students should never stand or play in the street while waiting for the bus.
2. If crossing a street to board the bus, students MUST look both right and left for cars, wait for the driver's signal to cross, and make sure the RED lights are flashing. Always cross the street in FRONT of the bus. Before boarding and exiting the bus, students must keep a safe distance from the bus.
3. Students should enter the bus without crowding or pushing.
4. Do not stand in the danger zones of a school bus (Minimum of 10 feet all around the bus).

### **Meeting Students at Assigned Bus Stops**

Brandywine School District requires a parent/guardian or designees to meet their child at their assigned bus stop each and every day for the following group of students:

Students who have special needs and requires adult assistance (Noted in student's IEP)

Failure of a parent/guardian or designee to meet their child as identified above at their assigned bus stop will result in the following action:

- Transportation will contact the student's school and report that no one is at the bus stop to receive the child.

- Transportation will return the student to school. The parent will be responsible for picking the child up at the school. At this time, the parent will receive a letter from the school administrator reminding them of the district’s policy.
- **Subsequent Offenses:** Parent will receive a warning indicating additional offenses may result in termination of transportation.
- **Repeated Offenses:** May result in temporary or permanent loss of transportation services, along with a referral to the Division of Family Services.

### **Bus Change Guidelines**

Bus transportation cannot be viewed as a taxi and/or shuttle service. Please review the following guidelines for bus changes:

1. Bus routes and assignments can **ONLY** be changed by the Transportation Department.
2. Once the school makes address and/or day care changes, transportation will assign a bus stop in accordance within Brandywine School District procedures and adjust the bus route within 48 hours.
3. The Transportation Office will not give permission for a student to ride a different bus, except in emergencies.
4. Changing bus assignments for social events, school projects, parental vacations, getting to a work location, visiting another student, or allowing multiple drop-off locations for different days are not acceptable reasons.

The administration of the school and district are placed in an indefensible position regarding liability and insurance when students ride a bus without their name being on the bus roster.

### **Bus Behavior Contracts**

When a student accumulates repeated bus referrals and/or three bus suspensions, the student may be placed on a bus behavior contract. Subsequent bus referrals may result in extended bus suspensions.

1. Grades Pre-K – 12: 5-day suspension, 10-day suspension, 30-day suspension, and permanent denial of bus privileges.

### **Denial of Bus Privileges**

Denial of bus privileges is either a temporary or permanent removal of the opportunity to ride the school bus. In all cases of denial of bus privileges, an attempt shall be made to notify the parents by telephone, with a written notification of the denial sent to the parents within twenty-four (24) hours. Denial of bus privileges shall not be used as a disciplinary action for non-bus related violations.

During the denial of bus privileges, it shall be the parents’ responsibility to provide the student’s transportation to and from school. Denial of bus privileges includes **both the regularly assigned bus and activity buses**. Should the student be absent during the bus suspension, the responsibility for initiating the make-up work and turning in assignments rests with the student.

Prior to the denial of bus privileges, the student shall:

1. Be given oral or written notice of the charges and be told who is making these charges or complaints.

2. Be given a fair and impartial hearing and have the opportunity to present the student's side of the story.
3. Have had prior opportunity to know that the misbehavior was in violation of established rules and regulations.
4. Be advised that denial of bus privileges may be appealed to the next high authority.

#### Bus Route Problems

Bus Route Problems concerning the bus routes, bus arrival times, etc. should be referred to the Brandywine School District Transportation office at 302-762-7181.

## STUDENTS RIGHTS & RESPONSIBILITIES

You, as a student of Brandywine School District, have rights and responsibilities to:

- Attend school regularly and on time.
- Follow rules and directions of adults.
- Do your schoolwork and homework neatly and completely.
- Practice positive behavior choices.
- Remaining on school grounds unless you have permission to leave school.
- Learning from consequences of your behavior.
- Choosing not to bring tobacco, alcohol, other drugs or weapons to school.
- Dressing in a way that is appropriate for the learning environment.
- Follow school rules and school staff directions.
- Come to school prepared to work.
- Participate in class activities and discussions.
- Complete your own schoolwork and homework.
- Be understanding of other's feelings.
- Use positive words with others (no putdowns).
- Treat others like you want to be treated.
- No bullying or threatening,
- Be honest by telling the truth, and admitting to things you have done.
- Work with others in positive ways,
- Keep your hands to yourself.
- Refrain from using profanity in school.
- Work together and/or with adults to manage negative behaviors and emotions
- Use respectful, positive and considerate tone of voice and body language when you are speaking to others.
- Listen when others are speaking to you.

## 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.

### 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 that 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 that 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.)



## PERSONAL APPEARANCE (STUDENT DRESS CODE)

### Philosophical Basis

The goal at the Brandywine 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 that meet the school expectations. Failure to do so will result in disciplinary action.

### Elementary:

1. **PANTS/SLACK/CAPRIS:** *SOLID COLORS ONLY.* Navy blue, black, khaki (tan). No Jeans/Denim.
2. **SKIRTS/SHORTS/SKORTS/JUMPERS:** *SOLID COLORS ONLY.* Navy Blue, black, khaki or brown. No Blue Jeans/Blue Denim. Must be at least fingertip length. No short shorts or “daisy duke” shorts. Jumpers must be worn with a blouse or shirt.
3. **SHIRTS:** *SOLID COLORS ONLY.* All shirts must have a collar. Acceptable styles include: Golf/polo shirts in short or long sleeve, oxford style button down collared shirt, cotton blouse with a peter-pan collar; turtlenecks and mock turtlenecks. Midriffs should be covered. No tank tops or halter-tops. Shirts and blouses must have a collar and must be a solid color (turtleneck shirts are permitted).
4. **SWEATERS/SWEATSHIRTS/CARDIGANS:** *SOLID COLORS ONLY.* Must be worn with a collared shirt and should be plain with no logos (or very small) on them.
5. All clothing must be neat, clean, and in a condition of good repair.
6. Headwear of any type may not be worn – male and female. (Note: The only exception to this rule is documented religious or medical reasons)
7. Outerwear is not permitted while in the building.
8. The length of skirts, skorts and shorts must be at least mid thigh.
9. All shirts must cover shoulders, cleavage, stomach and back.
10. Footwear must be worn at all times. (Flip flops, Healey’s and bedroom slippers are not permitted)
11. 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.
12. Apparel that advertises, glorifies, or symbolizes any illegal substances or any substances illegal to minors, containing derogatory phrases, profanity, or glorifying violence or criminal behavior are not permitted to be worn.
13. Students may not wear lewd, suggestive, or excessively tight clothing with writing on the buttocks, spiked jewelry, or long chains.

### Middle and High School:

Brandywine School District has established common expectations of student dress. We believe in promoting an appropriate, safe, and academic learning environment. Student clothing must not be a distraction to the learning environment. Students must adhere to the following guidelines in school and at school-sponsored events.

1. All clothing must be neat, clean, and in a condition of good repair.
2. Clothing with inappropriate, suggestive, or derogatory pictures or phrases may not be worn.
3. Clothing designed to be worn as undergarments may not be visible.

4. No headwear is to be worn in the building during the school day. This includes, but is not limited to: hat, bandana, scarf, earmuffs, sunglasses, or any other head covering, including hoods. *(Exception: Any headwear worn for religious beliefs with the appropriate documentation)*
5. Shirts and blouses that leave the midriff bare are prohibited.
6. All shirts must have sleeves.
7. Heavy, bulky jackets, or overcoats, as determined by the administration, should be placed in lockers.
8. Shorts and skirts are to be respectable and modest length.
9. Pants and shorts are to be worn at the waist and a belt is strongly recommended. *(Pajamas are prohibited)*
10. Excessively tight clothing is not permitted.
11. Clothing with frayed edges or visible holes are not permitted. *(Unless there is a layer of clothing under the frayed item)*
12. Appropriate footwear must be worn at all times (slippers are not permitted).
13. Students wearing jewelry or accessories that may be considered unsafe or inappropriate to the learning environment may be subject to review by the administration.
14. Any other garments or accessories that would be a distraction to the orderly educational process are prohibited.

***Students in violation of the dress code policy will receive disciplinary action and will be excused from class until they are dress code compliant.***

### ***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

## **PROMOTION & RETENTION**

### **Philosophical Basis**

In order for a student to be promoted from one grade to the next the student must successfully complete local requirements; receiving a passing grade (equivalent to a D or better or as appropriate for the particular grade) in grade level Reading, Language Arts, & Mathematics and/or any course required by the Board or the Department of Education for the particular grade level, as determined by teacher assessment of student performance on instructional outcomes and on the judgment of the teacher(s) in consultation with the principal. In addition, all students must receive instruction for at least 85% of the time established by the District calendar in a given school year. For any student who receives instruction for less than 85% of the time established by the District-wide calendar in any given school year, the principal must review indicators of academic success to determine whether the student should be retained one school year. Instruction can be in a regular or alternative school or by homebound instruction provided by the District. For students receiving special education under Title 14 of the Delaware Code, Chapter 31, and the Individuals with Disabilities Education Act (the "IDEA"), the student's Individual Education Program (IEP) team, along with the

building principal will make the decision to retain or promote the student based upon the requirements set forth above.

Administrative Assignments will be made for Limited English Proficiency (LEP) students and for students who have already been retained for two years for academic reasons.

Parents have the right to appeal a principal's decision on either the placement or promotion of their children. Copies of the Placement/Retention Appeal Form and procedure are available in each school. Appeals should be made in writing to the principal of the student's assigned school. The principal will schedule an appeal conference with the parent. If the conference does not resolve the placement issue, parents may forward the appeal form to the Assistant Superintendent for consideration.

## **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.

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.
2. It is not deemed defiance if a student refuses to submit to a search.

## **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. Or designating the person(s) who to 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. For 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 that 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 eligible students, students have the privilege to drive personal vehicles to school. This privilege is monitored 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 a 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 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.

## **TECHNOLOGY USAGE**

### **Philosophical Basis**

Students must adhere to the District's Acceptable Use Policy (which incorporates the State policy), before they may make use of District technology, including Internet access.

### ***Responsibilities***

Students have the responsibility:

1. To respect the rights and computer property of others and not improperly access, damage, mistreat, and misrepresent misuse files, data, or any other computer related information of any user.
2. To use technology responsibly and in accordance with the guidelines in the BSD Acceptable Use Policy.
3. To not share or compromise personal or another user's account information with anyone.
4. To protect all District technology equipment from potential damaging substances (such as food, drink, gum, etc.).
5. To adhere to copyright laws and to not download or install any unauthorized software product.
6. To be responsible for backing up my critical documents and files.
7. To be responsible for preventing and protecting against viruses on Brandywine School District's computer equipment.

## **USE OF SURVEILLANCE EQUIPMENT FOR SAFETY AND SECURITY**

To help assure the safety and security of the students and staff of the Brandywine 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-incriminating, 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

## GRIEVANCE PROCEDURES

A grievance is another name for a complaint. A 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:
  - Is being denied access to an appropriate educational opportunity
  - Is being denied participation in any school activity for which the student is eligible
  - Is being denied the opportunity to compete for a position in an activity where the selection is limited
  - 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:

A grievance may be presented when a student or the student's parents believe that the student has been treated unfairly or in violation of Board Policy.

Please note: Schools are required to follow the grievance procedure even if a student and/or their parent(s), legal guardian or caregiver obtains an attorney or threatens legal action.

1. The grievant shall request a conference, in writing, with the teacher or person(s) who allegedly treated the student unfairly within **three school days** following the alleged act. The written request must identify the act being aggrieved. (Written communication from a student, parent, and/or caregiver **does not** need to contain the word "appeal" or "grievance" to be considered an exercise of the procedures for appealing a suspension. When in doubt it should be presumed that the communication constitutes a grievance).
2. A conference shall be held within **four school days after the request**, unless the parties agree in writing to a later date. The school and/or administrator must provide the grievant in writing each step of the grievance process ensuring the student and/or their parent understand their grievance rights.
3. If the conferences fail to resolve the complaint, the grievant may file a written grievance with the principal and/or supervisor of the affected staff member(s) within three days of the conference.

4. If the principal/supervisor fails to resolve the complaint to the satisfaction of the grievant, the grievant shall, upon request, be given a written statement by the principal stating the reason(s) for the principal's decision, no later than three school days following the request.
5. The grievant wishing to appeal the principal's decision must file a written appeal with the Superintendent or designee no later than five days from the date of the principal's written decision stating with specificity the reason(s) the problem could not be resolved.
6. The Superintendent or designee shall resolve the appeal by investigating the situation, reviewing the written appeal/records, and/or schedule a conference to hear the grievance no later than five (5) school days following receipt of the written request for appeal and shall render a decision, in writing, no later than five (5) school days after the investigating/conference.

**Students shall remain in school pending the final determination on the complaint. This "stay-put" provision does not apply:**

- If a suspension is for less than three (3) school days;
- If the student is being suspended as a first step in the process for an expulsion or suspension for more than 10 school days;
- If the student has been charged with a criminal offense for an act committed outside of school;
- If the principal determines the act allegedly committed by the student is a threat to the health, safety or welfare of the staff or other students in the building.

## DISCIPLINARY PROCEDURES

This section of the manual will provide you with information about the disciplinary process and how to get help from school system personnel concerning appeal requests, process and procedures, and resources for student and families.

### 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 prohibited from being on the property of the District (this includes athletic fields, and/or events, District Office, any after-school activities and/or extracurricular activities including away events) 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 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.

## **IN-SCHOOL SUSPENSION**

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

## **ALTERNATIVE TO SUSPENSION (ATS)**

ATS is an alternative to traditional school discipline. Instead of a student being suspended, eligible students would attend the ATS program, while there they would complete academic work and participate in positive life skill trainings (such as Anger Management, Conflict Resolution, etc.)

### **How Does ATS Work:**

- Schools refer eligible students the day prior (indicating the student's name, reason for referral, and the number of days the students will attend ATS).  
***No criminal codes are to be referred***
- Teachers provide academic work for their students to be completed while attending ATS (online resources will also be used to supplement academic work).
- Students are transported to and from the respective ATS location and their school. ***Students cannot walk home from ATS.***
- Attendance will be emailed daily to respective school designee
- If student does not successfully complete ATS their days will be changed to suspension days

## **ASSIGNMENT TO ALTERNATIVE PROGRAMS**

Alternative placements are intended to be educational placements for students who have committed serious acts and that are determined to be a threat to the safety of the school population; for those students returning from placement in an Outside Agency (examples include, but are not limited to youth detention facility, substance abuse facility, mental health facility); or those who cannot be educated in the general student population.

A student may be placed in an alternative placement program designed to meet the student's particular needs. Alternative programs may be located at the student's home school (middle and high school only), another school site, an alternative location, or through a distance education program.

If an incident reaches the level where an alternative placement is outlined as a consequence in this manual, the Principal will send a commendation to the Superintendent or his/her designee to hold a hearing.

The Superintendent or his/her designee will accept, reject or modify the building level recommendation and proceed accordingly. If the Assistant Superintendent accepts the building level recommendation for an alternative placement hearing, the District Alternative Placement Committee will determine if a student will be alternatively placed. The Committee will also determine what alternative placement program is in the best interest of the child. The parent will be notified of the date for the District level conference. Said conference may occur with or without the student or parent's presence. After this District level conference, the student and the student's parents/guardians shall be given written notice of:

- confirmation of placement decision
- placement location
- minimum length of placement

## **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.

## **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.

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

- 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.
- The student's IEP team will consider whether the offense was a manifestation of the student's disability.
- 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.
- 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.
- 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.
- 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*.

## **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 it is alleged that a student committed a violation of the Code of Conduct, he/she may be subject to a recommendation for expulsion:

**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. 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.

### **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.
  - 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:

- the length of the expulsion is complete;
- the expelled student is 19 years of age or older;
- 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.

## LIST OF VIOLATIONS/OFFENSES THAT MAY RESULT IN ALTERNATIVE PLACEMENT AND/OR EXPULSION

- Arson
- Assault III
- Attorney General's Report
- Bullying
- Careless or Reckless Behavior
- Cheating/Plagiarism
- Criminal Mischief (Vandalism)
- Dangerous Weapon and/or Instrument (Possession/Concealment/Sale)
- Felony Offense
- Cyberbullying
- Disorderly Conduct
- Extortion
- Felony Theft (\$1500 or More)
- Fighting
- Forgery
- Gambling
- Inappropriate Sexual Behavior
- Misuse of Technology (Severe Clause)
- Gun Free School Violation
- Harassment
- Offensive Touching
- Pornography
- Rape or Attempted Rape
- Repeated Violations of School Code of Conduct
- Stealing
- Terroristic Threating – Security Threat
- Terroristic Threating (Student and Staff)
- Unlawful Sexual Conduct III
- Violation Of Behavior Conduct
- Use, Possession, and/or Distribution of Drug, Alcohol, and/or Drug Paraphernal

This list is not all-inclusive, and a student committing an act of misconduct not listed may be subject to the disciplinary action (including alternative placement and/or expulsion). 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 Superintendent and/or designee.

**Please note:** Students that have a history or reported offenses may be recommended for alternative placement once the building level student support team has demonstrated they have exhausted all school based interventions. Only at this point in time may a student be referred to a "District level" alternative placement committee.

## MANDATORY REPORTING TO POLICE PER SCHOOL CRIME REPORTING LAW 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:

### MANDATORY REPORT TO POLICE:

- Violent felonies (all violent felonies that occur against students, school employees, and school volunteers must be reported.)
- Assault against a student, school employee, or volunteer
- Unlawful sexual contact and or sexual harassment against a student, school employee, or volunteer
- Possession of a dangerous instrument or deadly weapon or bomb by a student
- Possession of an unlawful controlled substance including: prescription drugs, and counterfeit drugs

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)



## GLOSSARY

The glossary is developed in alignment with state requirements for definitions of terms, DDOE Regulation 614. A complete listing of uniform definitions can be found at:

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

1. **Abusive Language/Gestures** shall mean student uses, or threatens to use, written or spoken language, gestures, electronic images, photos, or actions, that are offensive, obscene, and/or vulgar.
2. **Academic Cheating** is the act or instance of deception in preparing or presenting course work or class assignments as a student's own authentic work when it is not. This includes, but is not limited to:
  - Copying another student's paper
  - Unauthorized use of notes or sharing answers during a test or examination
  - Presenting another person's work as one's own
  - Presenting quotations, words, or ideas without proper references or credit (plagiarism).The person sharing the information will receive the same consequences as the person who turned the work in as his/her own. These examples also apply to electronic information retrieved from the internet.
3. **Administration** includes both District Office and building administrative staff.
4. **Adult Student** is a student who has reached the age of 18.
5. **Alcohol** shall mean 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.
6. **Arson** shall mean a person recklessly or intentionally starting a fire or causing an explosion.
7. **Assault I** shall mean
  - The person intentionally causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or
  - The person intentionally disfigures another person seriously and permanently, or intentionally destroys, amputates, or disables permanently a member or organ of another person's body.
8. **Assault II** shall mean
  - The person recklessly or intentionally causes serious physical injury to another person, or
  - The person recklessly or intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument
9. **Assault III** shall mean
  - The person recklessly or intentionally causes serious physical injury to another person, or
  - With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.
10. **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.
11. **Attorney General's Report** (Juvenile Arrest Warrant and Complaint) shall mean the Department of Justice's report of out-of-school or in-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety, and welfare of others, including, but not limited to acts of violence, weapons offense, and drug offenses.
12. **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.

13. **Board** is the Brandywine School District Board of Education.
14. **Breaking and Entering** shall mean unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.
15. **Bullying** shall mean an intentional written, electronic, verbal, or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of:
  - Placing a student, school volunteer, or school employee in a reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his/her property; or
  - Creating a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness of actions or due to a power differential between the bully and the target; or
  - Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits; or
  - 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.
16. **Code** is the Code of Student Conduct.
17. **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.
18. **Criminal Drug Offense, Commission of** shall mean the Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug, a Drug-Like Substance, and/or Drug Paraphernalia.
19. **Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of** shall mean the Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive.
20. **Criminal Mischief (Vandalism)** shall mean a student, in the School Environment, intentionally or recklessly:
  - Damages tangible property of another person or entity; or
  - Tamper with tangible property of another person so as to endanger person or property.
21. **Criminal Sexual Offense, Commission of** shall mean the Commission by a student of an offense prohibited by 11 Del.C. §§763 through 780, inclusive, or §§1108 through 1112A, inclusive, or §1352(2) or §1353.
22. **Criminal Violent Felony Offense, Commission of** shall mean the Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).
23. **Cyberbullying** shall mean 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:
  - Interferes with a student's physical well-being; or
  - Is threatening or intimidating; or
  - 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.
24. **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.
25. **Deadly Weapon(s) Possession/Concealment/Sale** shall mean the possession, concealment, or sale of a deadly weapon in the school environment.

26. **Deadly Weapon** as defined by Delaware law and under this Code includes a firearm, a bomb, a knife of any sort (other than ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, or ice pick or any dangerous instrument which is used, or attempted to be used, to cause death or serious physical injury, and a BB gun. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.
27. **Defiance of School Authority** shall mean:
- 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
  - 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.
28. **Destructive Device**
- Any explosive, 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, or device similar to any of the devices described in the preceding clauses.
  - Any type of weapon (other than a shotgun or a shotgun shell which the U.S. Secretary of Treasury 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
  - Any combination of parts either designed 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. 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 redesigned 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 Secretary of the Treasury 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.
29. **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.
30. **Denial of Driving Privileges** is the removal of permission to drive on school property for a specified time.
31. **Detention** is an established time outside the regular instructional time when a student is detained in a supervised area.
32. **Disciplinary Probation** indicates that a student must fulfill specific commitments for a specified time, not to exceed one year. If the student fails to fulfill the commitments, the student will be denied certain privileges until the student's behavior improves. During the time of disciplinary probation, the student will not be allowed to participate in extra-curricular, school-related activities including, but not limited to sports, band, drama, etc.
33. **Disorderly Conduct** shall mean 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.

34. **Distribution of Drugs and/or Alcohol and/or Drug Paraphernalia** shall mean the sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs or Alcohol.
35. **District** is the Brandywine School District.
36. **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.
37. **Drug** shall mean any controlled substance or counterfeit substance as defined in Chapter 47 of Title 16 of the *Delaware Code*, including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.
38. **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.
39. **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.
40. **Expulsion** shall mean the exclusion from the regular school setting for a period determined by the local District board.
41. **Extortion** shall mean to obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.
42. **Felony** is any very serious offense that is considered above the misdemeanor level as defined in State law. 11 Del. C. 4201(c) Title 11, Section Crime.
43. **Felony Theft** (\$1500 or more) shall mean:
- When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or
  - When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another, which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.
44. **Fighting** shall mean any aggressive physical altercation between two or more individuals.
45. **Firearm** is any article in the possession of a student meeting the definition of a firearm under Federal and/or State law as stated below:
- Under Federal Law--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, or; the frame or receiver of any weapon, or; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm.
  - Under State Law--any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded, or unloaded. It does not include a BB gun.
- Antique Firearm**
- Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or
  - Any replica of any firearm described in subparagraph (a) if such replica is not designed or redesigned for using rim fire or conventional center fire fixed ammunition or, uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States.

46. **Gambling** shall mean participation in games of chance for money or other things of value.
47. **Gun Free School's Violation** shall mean the prohibited bringing to school, or Possession while in school of a Firearm by a student.
48. **Harassment** shall mean any actions or statements made with the intent to harass, annoy, or alarm another person which:
  - insults, taunts, or challenges the other person or;
  - 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.
49. **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.
50. **In-School Suspension** is the temporary placement of a student in a supervised area within the school.
51. **IEP** refers to an Individual Education Plan
52. **Inhalant Abuse** shall mean chemical vapors that are inhaled for their mind-altering effects.
53. **LEP** – Limited English Proficiency
54. **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.
55. **Medications: Inappropriate Use or Possession** shall mean Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.
56. **Misuse of Technology** shall mean 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 In any way student deliberately:
  - A situation in which a Tamperers 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.
57. **Non-prescription medication** shall mean any over-the-counter medication; some of these medications may be a drug-like substance.
58. **Offensive Touching** shall mean 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.
59. **Out of School Suspension** is a student's temporary exclusion from the school, school grounds, and all school related activities by a building administrator for a period not to exceed five (5) days. The suspension may be extended for a period not to exceed ten (10) days by the Superintendent and/or designee except after a hearing and approval of the Board of Education.
60. **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.

61. **Parent/Guardian Contact/Conference** is a contact by telephone or in person or guardian.
62. **Parent/Guardian Notification** is contact with a parent/guardian by phone, letter, or meeting.
63. **Police Notification** is the reporting of an alleged illegal act to a law enforcement agency.
64. **Pornography** shall mean the Possession, sharing, or production of any known obscene material in the School Environment.
65. **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.
66. **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.
67. **Principal**— includes the Principal's designee.
68. **Rape or Attempted Rape** shall respectively mean sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.
69. **Reckless Burning** shall mean 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.
70. **Recommendation to Counseling or Appropriate Social Service Agencies** is a recommendation that the student seek help from a public or private social agency.
71. **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.
72. **Referral to the Courts** is the filing of a charge of an alleged illegal action with the court having jurisdiction.
73. **Referral to Social Services Agencies** – a recommendation that the student seek help from a public or private social service agency.
74. **Removal from Class**
  - **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.
  - **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.
75. **Repeated Violations of Student Code of Conduct** shall mean five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.
76. **Reprimand** is a verbal or written warning that behavior is not acceptable.
77. **Restitution** refers to seeking the payment for or restoration of damaged property from the student(s) responsible. In no event is the District responsible for the restitution.
78. **School Based Service** is an assigned task not exceeding five (5) hours which must be completed by the student.

79. **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 or weekend.
80. **School Personnel** includes any person employed by the District on a permanent or temporary basis, or anyone authorized to work on a voluntary basis.
81. **Sexual Assault** shall mean 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.
82. **Sexual Misconduct** shall mean a consensual sexual act(s) between two individuals within the School Environment.
83. **Stealing** means taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.
84. **Steroids Possession and/or Use** shall mean the unlawful Use or Possession of steroids.
85. **Superintendent** includes the Superintendent's designee.
86. **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.
87. **Tampering with Public Records** shall mean a person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.
88. **Teen Dating Violence** shall mean assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. §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 or casual relationships.
89. **Terroristic Threatening** shall mean when:
- A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or
  - 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.
90. **Terroristic Threatening - Security Threat** shall mean when a person makes a false statement or statements:
- Knowing that the statement or statements are likely to cause evacuation in the School Environment;
  - Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or
  - In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.

91. **Unlawful Sexual Contact III** shall mean when a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.
92. **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.
93. **Use and/or Possession of a Drug and/or Alcohol and/or Drug Paraphernalia** shall mean, that in the School Environment, 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.
94. **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.
95. **Weapon/Dangerous Instrument** – any instrument from which a shot may be discharged, including the discharge of a pellet, slug, bullet, or BB shot by compressed air or by spring discharge; a knife of any sort; switchblade knife; box cutter, razor; billy; blackjack; bludgeon; metal knuckles; slingshot; bicycle chain; ice pick; or any other article commonly used or designated to inflict bodily harm or to intimidate others, or used in an aggressive and threatening manner articles commonly used for other purposes. A laser light is a dangerous instrument when used in a manner which intentionally or recklessly presents a risk of injury to a person's eye. In all events, laser lights are not permitted in school.



# VIOLATIONS OF THE STUDENT CODE OF CONDUCT

*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.*

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

## 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.

<p><b>Grades K – 5: Level I Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Teacher/student conference</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention or Suspension (1 – 3 days)</li> <li>• Parent/guardian notification</li> <li>• Referral to Discipline Committee or Instructional Support Team</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Functional assessment and/or behavior support plan</li> </ul> </p>	<p><b>Grades 6 – 12: Level I Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand/or detention</li> <li>• Parent/guardian notification</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention or Suspension (1 – 3 days)</li> <li>• Parent/guardian notification</li> <li>• Referral to Discipline Committee</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Functional assessment and/or behavior plan/contract</li> </ul> </p>
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**Inappropriate Language (S0011):** Any profane language or derogatory, disrespectful comments.

<p><b>Grades K – 5: Level I Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention</li> <li>• Parent/guardian notification</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Parent/teacher strategy</li> </ul> </p>	<p><b>Grades 6 – 12: Level I Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> <li>• Teacher/student conference</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention</li> <li>• Parent/guardian notification</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Parent/teacher strategy</li> </ul> </p>
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**Loitering (S0071):** A student’s unauthorized presence in any school area.

<p><b>Grades K – 5: Level I Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> <li>• Referral to counselor</li> </ul> </p>	<p><b>Grades 6 – 12: Level I Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Teacher/student conference</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Detention</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention</li> <li>• Parent/guardian notification</li> </ul> </p>
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**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).

<p><b>Grades K – 5: Level I Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Item to be confiscated</li> <li>• Parent/guardian notification</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Item to be confiscated and may be returned to parent/guardian</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Detention</li> </ul> </p>	<p><b>Grades 6 – 12: Level I Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Item to be confiscated</li> <li>• Parent/guardian notification</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Item to be confiscated and may be returned to parent/guardian</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Detention</li> </ul> </p>
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**Unexcused Tardy (S0031 or S0032):** Three (3) unexcused tardy to school or to a class without authorization or approved reason.

<p><b>Grades K – 5: Level I Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher/Office reprimand</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Parent/Teacher strategy</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Teacher/Office detention</li> <li>• Referral to school support staff or Instructional Support Team</li> </ul> </p>	<p><b>Grades 6 – 12: Level I Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Detention and/or suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Referral to School Discipline Committee</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> </ul> </p>
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## Level II

**Abusive Language (S0301 or S0011):** Written or spoken language or gestures that are considered offensive, obscene, or vulgar.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention and/or suspension (1 to 3 days)</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or Suspension (2 to 5 days)</li> <li>• Parent/guardian conference</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 day)</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>          REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan /contract</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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.**

<p><b>Grades K – 5: Level II Offense</b></p> <p><b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Teacher reprimand/or detention</li> <li>• Parent/guardian notification</li> <li>• Grade penalty – to be determined by teacher</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention</li> <li>• Parent/guardian notification and conference</li> <li>• Grade penalty – to be determined by teacher</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Referral to administration</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b></p> <p><b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Grade penalty – to be determined by teacher</li> <li>• Parent/guardian notification</li> <li>• Detention and/or suspension (1 to 3 days)</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification and conference</li> <li>• Grade penalty – to be determined by teacher</li> </ul> <p><b>OPTIONAL</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Detention</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Parent/guardian conference</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Referral to School Discipline Committee</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Parent/guardian conference</li> <li>• Referral to Alternative Education Committee</li> </ul> </p>
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**Defiance (S0081 or S0082):** 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 verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel that causes either a substantial disruption or material interference with school activities.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> <li>• Detention and/or suspension (1 to 3 days)</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention or suspension (1 to 5 days)</li> <li>• Parent/guardian conference</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> <li>• Detention and/or suspension (1 to 3 days)</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or Suspension (1 to 5 days)</li> <li>• Parent/guardian conference</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul> </p>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Parent/guardian notification</li> <li>• Reassign detention</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Referral to Discipline Committee or Instructional Support Team</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Parent/guardian notification</li> <li>• Reassign detention</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Suspension (1 day)</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul> </p>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention and/or suspension (2 to 3 days)</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Detention (1 to 3 days)</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Suspension (3 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference before returning to school</li> <li>• Referral to School Discipline Committee</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul> </p>
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**Gambling (S0241):** Participation in games of chance for money or other things of value.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Teacher reprimand</li> <li>• Parent/guardian notification</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Detention</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention or suspension (1-2 days)</li> <li>• Parent/guardian notification and/or conference</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention (1-3 days)</li> <li>• Parent/guardian notification</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Suspension (2-5 days)</li> <li>• Parent/guardian notification and/or conference</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> <li>• Referral to Alternative Education Committee</li> </ul> </p>
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**Harassment (S0104 or S0105):** Harassment is any action or statement 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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> </ul> <b>Subsequent Offenses</b>                  REQUIRED:  <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> <li>• Behavior plan/contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul>                 OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul> </p>
<p><b><i>The District reserves the right to expel for serious offenses that rise to the legal definition of a hate crime. (C0151)</i></b></p>	

**Inappropriate Sexual Behavior (S0101):** Acts of affection or intimacy inappropriate to an educational setting.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention (1 to 2 days)</li> <li>• Parent/guardian notification</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan /contract</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification when necessary</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 day)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification when necessary</li> <li>• Behavior support plan</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior plan/contract</li> <li>• Police notification when necessary</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (3 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Referral to School Discipline Committee</li> <li>• Behavior plan/contract</li> <li>• Police notification when necessary</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**Misuse/Abuse of Substances (S0131):** Using any substance for a purpose for which it was not intended.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification</li> <li>• Police notification, when necessary</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification</li> <li>• Police notification, when necessary</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Referral to school Discipline Committee or Instructional Support Team</li> <li>• Behavior plan /contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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 computing 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 and seize cell phone/electronic device.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Cell phones/electronic devices will be confiscated</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian must come to school to retrieve the cell phones/electronic devices</li> </ul> <p><b>Subsequent Offenses</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 day)</li> <li>• Cell phones/electronic devices will be confiscated</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian must come to school to retrieve the cell phones/electronic devices</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Cell phones/electronic devices will be confiscated</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian must come to school to retrieve the cell phones/electronic devices</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Cell phones/electronic devices will be confiscated</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian must come to school to retrieve the cell phones/electronic devices</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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 **Computer Technology “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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 2 days)</li> <li>• Suspension of user privileges (1 to 5 days)</li> <li>• Restitution</li> </ul> <p><b>Subsequent Offenses</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior support plan</li> <li>• Referral to school Discipline Committee or Instructional Support Team</li> <li>• Cancellation of user privileges for up to one marking period</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 2 days)</li> <li>• Suspension of user privileges (1 to 5 days)</li> <li>• Restitution</li> </ul> <p><b>Violation of Severe Clause</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> <li>• Referral to school Discipline Committee to consider cancellation of user privileges for up to the remainder of the school year</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Suspension (1 to 2 days)</li> <li>• Suspension of user privileges (1 to 5 days)</li> <li>• Removal from Digital Technology Network</li> <li>• Restitution</li> </ul> <p><b>Subsequent Offenses</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Referral to School Discipline Committee</li> <li>• Behavior plan/contract</li> <li>• Cancellation of user privileges for up to one marking period</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Removal from Digital Technology Network</li> <li>• Restitution</li> </ul> <p><b>Violation of Severe Clause</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior plan/contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> <li>• Referral to school Discipline Committee to consider cancellation of user privileges for up to the remainder of the school year</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior support plan</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to School Discipline Committee</li> <li>• Behavior plan/contract</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or Suspension (2 to 5 days)</li> <li>• Parent/guardian conference required before returning to school</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> <li>• Behavior plan/contract</li> </ul>
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**Smoking (D1401):** Using, possessing, or dispensing of any tobacco product, tobacco like, or tobacco substitute products (which includes e-cigarettes).

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior support plan</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Referral to School Discipline Committee</li> <li>• Behavior plan/contract</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**Stealing (S0111 or D0601):** 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 of the Brandywine School District.

<p><b>Grades K – 5: Level II Offense</b></p> <p><b>First Offense</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Police notification, when necessary</li> </ul> <p><b>Subsequent Offenses</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul> <p><b>Violation of Severe Clause</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> <li>• Referral to school Discipline Committee or Instructional Support Team</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b></p> <p><b>First Offense</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Suspension (1 to 3 days)</li> <li>• Police notification, when necessary</li> </ul> <p><b>Subsequent Offenses</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> <li>• Referral to Alternative Education Committee</li> </ul> <p><b>Violation of Severe Clause</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior plan/contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> <li>• Referral to school Discipline Committee</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**Trespassing (S0271):** Trespassing is when a student knowingly or unknowingly is in a Bradywine School District area without a legitimate purpose.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Issue warning that the person is trespassing and must leave immediately</li> <li>• Police notification, when necessary</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Police notification, when necessary</li> <li>• Subsequent offenses of trespassing will be considered defiance and treated as such</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Issue warning that the person is trespassing and must leave immediately</li> <li>• Police notification, when necessary</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Parent/guardian notification</li> <li>• Police notification, when necessary</li> <li>• Subsequent offenses of trespassing will be considered defiance and treated as such</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**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.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> </ul>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul>
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**Violation of Medication Policy (D1601):** Students are not permitted to take medication of any kind in school unless that medication is given by the school nurse. Prescription and non-prescription medication may be administered by the school nurse during school hours, utilizing the instructions outlined in the Board policy.

<p><b>Grades K – 5: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior support plan</li> </ul> </p>	<p><b>Grades 6 – 12: Level II Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Reprimand and/or detention</li> <li>• Parent/guardian notification</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior plan/contract</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> </p>
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## 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. 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 that

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 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 a Brandywine 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***



<p><b>Grades K – 5: Level III Offense</b></p> <p><b>First Offense</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul> <p><b>Subsequent Offenses</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b></p> <p><b>First Offense</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> </ul> <p><b>Subsequent Offenses</b>  REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification and/or conference Behavior plan/contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
<p><i>The District reserves the right to expel for serious offenses that rise to the legal definition of a hate crime. (C0151)</i></p>	

**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. (11. Del. C. § 1301).

<p><b>Grades K – 5: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 day)</li> <li>• Parent/guardian notification</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior support plan</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference before returning to school</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (3 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference before returning to school</li> <li>• Referral to School Discipline Committee</li> <li>• Behavior plan/contract</li> <li>• Loss of extracurricular activities (Length of time to be determined by the school administration)</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to Alternative Education Committee</li> </ul>
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**Extortion (C0141):** compels or induces another person to deliver property to the person or to a third person by means of instilling in the victim a fear that, if the property is not so delivered, the defendant or another will cause physical injury to anyone or cause damage to property (11. Del. C. § 846).

<p><b>Grades K – 5: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Reprimand and /or detention</li> <li>• Parent/guardian notification</li> <li>• Behavior support plan</li> <li>• Police notification</li> <li>• DOE Student Conduct report will be filed as required by law</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Behavior support plan</li> <li>• Police notification</li> <li>• DOE Student Conduct report will be filed as required by law</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Police notification</li> <li>• DOE Student Conduct report will be filed as required by law</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Behavior plan/contract</li> <li>• Police notification</li> <li>• DOE Student Conduct report will be filed as required by law</li> </ul>
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**Fighting (D1101):** Any aggressive physical altercation between two or more individuals.

<p><b>Grades K – 5: Level III Offense</b></p> <p><b>First Offense</b> REQUIRED:</p> <ul style="list-style-type: none"><li>• Detention and/or suspension (1 to 2 days)</li><li>• Parent/guardian notification and/or conference</li><li>• Police notification, when necessary</li><li>• DOE Student Conduct Report will be filed as required by law</li></ul> <p><b>Subsequent Offenses</b> REQUIRED:</p> <ul style="list-style-type: none"><li>• Detention and/or suspension (2 to 5 days)</li><li>• Parent/guardian notification</li><li>• Parent/guardian conference required before returning to school</li><li>• Police notification, when necessary</li><li>• DOE Student Conduct Report will be filed as required by law</li></ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"><li>• Behavior support plan</li></ul>	<p><b>Grades 6 – 12: Level III Offense</b></p> <p><b>First Offense</b> REQUIRED:</p> <ul style="list-style-type: none"><li>• Detention and/or suspension (1 to 5 days)</li><li>• Parent/guardian notification and/or conference</li><li>• Police notification, when necessary</li><li>• DOE Student Conduct Report will be filed as required by law</li></ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"><li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li></ul> <p><b>Subsequent Offenses</b> REQUIRED:</p> <ul style="list-style-type: none"><li>• Suspension (3 to 5 days)</li><li>• Parent/guardian notification</li><li>• Parent/guardian conference required before returning to school</li><li>• Police notification, when necessary</li><li>• DOE Student Conduct Report will be filed as required by law</li></ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"><li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li><li>• Behavior plan/contract</li></ul>
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**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.

<p><b>Grades K – 5: Level III Offense</b></p> <p><b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 2 days)</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior support plan</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Plan</li> <li>• Behavior support plan</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b></p> <p><b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Loss of extracurricular activities (length of time to be determined by the school administration)</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior plan/contract</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (3 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior plan/contract</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul>
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**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.

<p><b>Grades K – 5: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior support plan</li> <li>• DOE Student Conduct Report will be filed as required by law.</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Placement in an alternative program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior support plan</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Placement in an alternative program</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior plan/contract</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Placement in an alternative program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior plan/contract</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• Loss of extracurricular activities (length of time to be determined by school administration)</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Placement in an alternative program</li> </ul>
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**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.

<p><b>Grades K – 5: Not applicable</b></p>	<p><b>Grades 6 – 12: Level III Offense</b></p> <p><b>First Offense</b> REQUIRED:</p> <ul style="list-style-type: none"><li>• Suspension of parking privileges, if applicable</li><li>• Parent/guardian notification</li></ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"><li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li></ul> <p><b>Subsequent Offenses</b> REQUIRED:</p> <ul style="list-style-type: none"><li>• Suspension (1 to 3 days)</li><li>• Suspension of parking privileges, if applicable (Length of time to be determined by school administration)</li><li>• Parent/guardian notification</li><li>• Police notification</li></ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"><li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li></ul>
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**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.

<p><b>Grades K – 5: Level III Offense</b></p> <p><b>First Offense</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul> <p><b>Subsequent Offenses</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (2 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>Violation of Severe Clause</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 3 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior support plan</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> <li>• Referral to school Discipline Committee or Instructional Support Team</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b></p> <p><b>First Offense</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Detention and/or suspension (1 to 3 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Police notification, when necessary</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> <li>• Behavior plan/contract</li> </ul> <p><b>Subsequent Offenses</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior plan/contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Violation of Severe Clause</b></p> <p>REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (1 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Behavior plan/contract</li> <li>• Police notification, when necessary</li> <li>• Recommendation to counseling or appropriate social service agency if warranted</li> <li>• Referral to school Discipline Committee or Instructional Support Team</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul>
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**Terroristic Threatening and/or Behavior (D0901or 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.

<p><b>Grades K – 5: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 2 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior support plan</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Behavior support plan</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul>	<p><b>Grades 6 – 12: Level III Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (1 to 2 days)</li> <li>• Parent/guardian notification and/or conference</li> <li>• Behavior plan/contract</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (2 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Referral to school Discipline Committee or Instructional Support Team</li> <li>• Behavior plan/contract</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Cancellation of privileges such as, but not limited to, before and/or after school activities</li> </ul>
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## Level IV

**Assault III on Student (C0201, C0106 or C0107):** A person intentionally or recklessly causes physical injury to another person; or with criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (3 to 5 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Police notification, when necessary</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Behavior support plan</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Parent/guardian notification</li> <li>• Parent/guardian conference required before returning to school</li> <li>• Police notification</li> <li>• Referral to School Discipline Committee or Instructional Support Team</li> <li>• Recommendation to appropriate counseling or social service agency</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Behavior support plan</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification, when necessary</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> <li>• Behavior plan/contract</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>
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**Assault III on Staff Member (C0201, C0106 or C0107):** A person intentionally or recklessly causes physical injury to another person; or with criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>
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**Dangerous Instrument(s) Possession/Concealment/Sale:** 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.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> </p>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>         OPTIONAL:  <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <b>Subsequent Offenses</b>          REQUIRED:  <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> </p>
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**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.

<p><b>Grades K – 5: Level IV Offense</b></p> <p><b>First Offense</b> REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense</li> <li>• Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b> REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension pending a hearing (10 days)</li> <li>• Expulsion</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b></p> <p><b>First or Subsequent Offenses</b> REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense</li> <li>• Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p>OPTIONAL:</p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b> REQUIRED:</p> <ul style="list-style-type: none"> <li>• Suspension pending a hearing (10 days)</li> <li>• Expulsion</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>
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**Rape, 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.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension pending a hearing (10 days)</li> <li>• Expulsion</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>
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**Reckless Burning (S0151, 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.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification, when necessary</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification, when necessary</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>
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**Sexual Misconduct (S0105):** Consensual sexual act(s) between two individuals within the school environment.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification when necessary</li> <li>• Parent/guardian notification</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification when necessary</li> <li>• Parent/guardian notification</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 - 10 days)</li> <li>• Police notification when necessary</li> <li>• Parent/guardian notification</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification when necessary</li> <li>• Parent/guardian notification</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>
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**Terroristic Threatening - Security Threat (C0501):** 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.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>
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**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.

<p><b>Grades K – 5: Level IV Offense</b>  <b>First Offense</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense</li> <li>• Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense</li> <li>• Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>	<p><b>Grades 6 – 12: Level IV Offenses</b>  <b>First or Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Suspension (5 to 10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense</li> <li>• Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul> <p><b>OPTIONAL:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul> <p><b>Subsequent Offenses</b>  <b>REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension pending a hearing (10 days)</li> <li>• Police notification</li> <li>• Parent/guardian notification</li> <li>• Mandatory drug/alcohol screening by a licensed agency at parent/guardian expense</li> <li>• Mandatory drug/alcohol evaluation/assessment by a licensed agency and compliance with the recommendations of the agency at parent/guardian expense</li> <li>• DOE Student Conduct Report will be filed as required by law</li> <li>• Recommendation to counseling or appropriate social service agency</li> </ul>
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## APPENDIX I

# State Board of Education Policy for School Districts on the Possession, Use, or Distribution of Drugs and Alcohol

- A-56, #1 & 2, A-57-3 THROUGH 11 AND UP TO 12 ON A-58

The following definitions shall apply to the *Policy for the District on the Possession, Use, or Distribution of Drugs and Alcohol*.

1. **Alcohol** shall mean alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in 4 Del. C., §101, including alcohol, spirits, wine and beer.
2. **Drug** shall mean any controlled substance or counterfeit substance as defined in Section 4701 of Title 16 of the Delaware Code including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.
3. **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.
4. **Prescriptions Drugs** shall mean any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del. C., §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.
5. **Drug-Like Substance** shall mean any non-controlled 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.
6. **Non-Prescription Medication** shall mean any over-the-counter medication; some of these medications may be a drug-like substance.
7. **Look-alike Substance** shall mean any non-controlled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a drug or a non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See 16 Del. C. §4752A.
8. **Possess, Possessing, or Possession** shall mean that a student has on the student's person, in the student's belongings, or under the student's reasonable control by placement with knowledge of the whereabouts of, alcohol, a drug, a look-alike substance, a drug-like substance or drug paraphernalia.
9. **Use** shall mean that a student is reasonably known to have ingested, smoked or otherwise assimilated alcohol, a drug or drug-like substance, or is reasonably found to be under the influence of such a substance.
10. **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.

11. **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 extra-curricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.
12. **Expulsion** shall mean exclusion from school for a period determined by the local District not to exceed the total annual number of student days except under those circumstances in which expulsion is due to an act covered under the Gun Free School Act. The process for re-admission shall be determined by the local district.

## **APPENDIX II**

### **SCHOOL-POLICE RELATIONSHIPS AND REQUIREMENTS TO REPORT CRIMINAL AND OTHER CONDUCT TO THE DEPARTMENT OF EDUCATION AND THE POLICE**

The Brandywine School District is required by State law or regulation to report certain student conduct to the appropriate Police Agency. To facilitate this process, and in compliance with State regulations, the District shall enter into Memorandum of Agreement between the Board of Education of the Brandywine School District and Law Enforcement Agencies in New Castle County every school year. This Agreement includes, but is not limited to, the following:

- A. School officials are charged with the responsibility to provide for the safety of students and the security of school property. School officials shall promptly report evidence of criminal offenses which occur in the school environment, including incidents that occur on or in connection with school buses. Additionally, evidence of those crimes which have occurred off school property but which come to the attention of school authorities **shall be** reported.
- B. 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 a violent felony, assault III, unlawful sexual contact III; or
  - School employee has been the victim of offensive touching, terroristic threatening; or
  - Student under 18 has been the victim of sexual harassment, as defined under Title 11 of the Delaware Code; or
  - Person on school property has drugs, or weapon or bomb, or dangerous instrument.

The principal or designee will make every effort to notify the parent(s)/guardian(s) and will conduct a thorough investigation. If the investigation finds good reason to believe that a crime has been committed, there will be an immediate report to the police for any violent felony, drugs, weapon, bomb, or dangerous instrument, and within



three days report for any other crime listed under § 4112. Reporting to police is not applicable if misdemeanor has been committed and the offender is under the age of 9. In addition, reporting to police is not applicable if the offense is sexual harassment, but the principal must file a written report with the Department of Education. The following list is not all-inclusive, but, at a minimum, the following shall be reported to the appropriate law enforcement agency or the Department of Education.

- Evidence that suggests the commission of the crimes of assault and extortion against pupil, or an assault, offensive touching, terroristic threatening or extortion against a school employee.
- 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.
- Evidence that suggests violations of the laws concerning controlled substances and alcohol.
- Evidence that suggests incest, sexual abuse, or the neglect or other abuse of children.
- Evidence that suggests the use, possession, or sale of dangerous instruments or deadly weapons, (e.g. knives, firearms, ammunition, explosives, or blasting caps).
- Evidence that suggests the possession or production of pornography.
- Evidence of offenses involving school property, e.g. false fire alarms, telephone threats, computer crimes, vandalism and criminal mischief, theft of school equipment or property, reckless driving, and safety hazards.
- 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).
- Theft of school or personal property of school personnel.
- Evidence of bullying

C. POLICE MATTERS SHALL NOT INCLUDE CONDUCT TREATED AS A MATTER OF DISCIPLINE AND HANDLED ADMINISTRATIVELY BY THE SCHOOLS. ALL MISCONDUCT OF A SERIOUS NATURE SHOULD BE PROMPTLY REPORTED TO THE PARENT/LEGAL GUARDIAN OF THE INVOLVED STUDENT.

**Memorandum of Agreement between the Board(s) of Education and Law Enforcement Agencies in the State of Delaware, September 2003.**

For the purposes of the reporting requirements under Title 14 of the Delaware Code § 4112:

- Sexual harassment is defined as threatening to engage in conduct likely to result in the commission of a sexual offense against the person or suggesting, soliciting, requesting, commanding, importuning, or otherwise attempting to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that the person is likely to be annoyed, offended or alarmed.
- Bullying is defined as when one person, or group of persons, targets another person with repeated direct or indirect negative actions over a period of time which are harmful to the victim either emotionally or physically. A negative action occurs when a person knowingly inflicts, or attempts to inflict, physical or emotional injury or discomfort to another person.

# **APPENDIX III**

## **POLICY 07.2: STATEMENT ON ACCEPTABLE USE BY STUDENTS OF DISTRICT TECHNOLOGY & USE OF INTERNET EDUCATION PROGRAMS**

- A. **PURPOSE:** Technology is used to support education in the Brandywine School District. The purpose of this policy is to provide a set of guidelines to be followed for student use of all computer, network, database, and information technology, including e-mail and the Internet, in the Brandywine School District.
- B. **ISSUE:** Users of District technology are responsible for their actions. Students, parents and school staff should make every effort and demonstrate responsible use of technology consistent with the goals, standards, and policies of the District.
- C. **POLICY:** Students and parents must read and students must sign the Code of Student Conduct Card stating that as a student user of technology in the Brandywine School District he/she will abide by policy 07.2.

### **ACCEPTABLE USE BY STUDENTS:**

- Use of technology must be consistent with the academic goals of the school, curriculum standard, and Brandywine School District policies.
- The Brandywine School District employs blocking and filtering technology to restrict access to inappropriate websites and other materials harmful to minors to ensure the safety and security of all students, and comply with state law and/or regulation.

### **UNACCEPTABLE USES BY STUDENTS**

- Damage to and/or or willful neglect of computers, software, networks, or other technology equipment is prohibited. Any person who has District hardware or software at home is responsible for maintaining such technology while in said person's control.
- Unauthorized access to network settings, usernames and passwords, and other people's work is prohibited.
- Use of technology to cause harm or offend others is prohibited.
- Use of technology to access or distribute obscene or pornographic material is prohibited.
- Use of technology, including email, for profit, illegal, or unauthorized commercial purposes is prohibited.
- Use of technology for religious purposes is prohibited; however, technology may be used to access religious materials as required to complete course or curricular requirements.
- Use of technology for non-educational or non-instructional purpose is prohibited.
- Use of web-based e-mail accounts, other than those approved by the Brandywine School District.
- Violation of copyright laws is prohibited.
- Installation or use of copyrighted or unlicensed software or files from any source is prohibited unless authorized by the District.

- Computer and network storage areas are treated similar to school lockers. Files stored on District computers and District provided external memory devices are not private. District and building administrators may review files, folders, external memory devices, etc.

**EDUCATION PROGRAMS:** The Department of Curriculum & Instruction shall establish an educational program for each grade cluster on appropriate behaviors and communications by minors while using the internet or while on-line. Such educational programs shall include, but not be limited to, education on social networking, communications in chat rooms, e-mail content, and cyber-bullying consistent with the requirements of the Protection of Children in the 21st Century Act.

**REMEDIAL ACTION:** The use of technology in the Brandywine School District is a privilege - not a right. Unacceptable use or vandalism by students will result in disciplinary action consistent with the Student Code of Conduct and limitation/cancellation of user privileges appropriate to the offense. If damage occurs due to willful misconduct, the user may be permanently restricted from the use of technology and charged for the cost of repair or replacement for such damage. Inappropriate on-line behaviors and communications may also result in disciplinary action consistent with the Elementary or Secondary Code of Student Conduct.

**FAILURE TO SIGN:** Failure to sign the Student Code of Conduct Card shall result in the suspension of the privilege to use technology in the Brandywine School District.

## **APPENDIX IV**

### **Policy 08.2: STATEMENT ON BULLY PREVENTION & CYBERBULLYING**

- A. **PURPOSE:** The Brandywine School District recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The Brandywine School District strives to provide safe learning environments for all students and all employees.
- B. **ISSUE:** Prohibition of Bullying Which Includes Cyberbullying  
To further these goals and as required by 14 Del. C. 4112D, the Brandywine School 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 in the same manner as incidents of bullying. Brandywine School District further prohibits reprisal, retaliation, or false accusation against a target, witness or one with reliable information about an act of bullying.
- *“School function”* includes any field trip or any officially sponsored public or charter school event.

- “*School property*” 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.

## C. POLICY:

### 1. Definition of Bullying & Cyberbullying

- A. As used in this policy, bullying means 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:
- 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
  - 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
  - Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or
  - 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.
- 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:
- Interferes with a student’s physical well-being; or
  - Is threatening or intimidating; or
  - 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.

- Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
- 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. Cyberbullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass,
2. Flaming: heated unequal argument online that includes making rude, insulting, or vulgar remarks,
3. Exclusion: isolating an individual from his or her peer group,
4. Impersonation: Using someone else's screen name and pretending to be them
5. 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.

**School-wide Bully Prevention Program:** The Brandywine School District is committed to support each school in their adoption of a school-wide bully prevention program. Each school is directed to develop or adopt a school-wide bully prevention program that is research-based.

- A. Each school will strive to meet these goals:
  1. Reduce existing bullying problems among students
  2. Prevent development of new bullying problems
  3. Achieve better peer relations and staff-student connections at school
- B. In order to be a school-wide program, the program must contain:
  1. School-level components
    - a. All school staff will to strive to:
      - Treat others with warmth, positive interest and involvement
      - Set firm limits for unacceptable behavior
      - Apply nonphysical, non-hostile negative consequences when rules are broken.

- Act as authorities and positive role models
  - Solve bullying problems in a consistent manner across all grade levels and all school locations.
- b. A Coordinating Committee will be created, as described in Section IV of this policy.
  - c. The school's supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this policy.
  - d. The following principles will apply to everyone on school property or at a school function:
    - I will not bully others
    - I will try to help anyone that I suspect is being bullied
    - I will try to include students who are left out.
    - If someone is being bullied, I will tell an adult
  - e. School-wide programs may also include a school kick-off event, committee and staff trainings, school-wide questionnaires, staff discussion group meetings, and programs to involve parents, as determined by the Coordinating Committee.
2. Classroom level components
    - a. Post and enforce principles against bullying
    - b. Regular, ongoing class meetings, discussions, or role playing activities
    - c. Involve parents in bullying prevention
    - d. Find creative ways to incorporate issues involving bullying into the regular curriculum.
  3. Individual Level Components
    - a. Supervise students' activities
    - b. Ensure that all staff intervene appropriately on the spot when suspected bullying occurs
    - c. Discuss bullying behavior with students who bully and (separately) with targets of bullying, and with their parents.
    - e. Develop Behavioral Intervention Plans for involved students, with a graduated response.
    - f. Address bystander involvement.
  4. Community Level Components
    - a. Develop partnerships with community members to support your school's program
    - b. Help spread anti-bullying message in the community
    - c. Involve community members in the Bully Prevention Coordinating Committee.
- C. Resources and Curricula: The Brandywine School District encourages staff to find or create appropriate bullying prevention resources that can be used within the overall structure set forth above without compromising the fidelity of the school-wide program. Classroom curricula may be used as one part of the implementation of the school-wide program, but must not be the sole component of the program.
  - D. When setting their school wide bully prevention program, each school should develop long-term fixes that are research based and grounded in best practices.

**Coordinating Committee:** Each School shall establish a site-based 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 site-based 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 6 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. 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.

- A. When setting up the Committee the principal may wish to consider including other persons in addition to those required, such as a school counselor, school psychologist or other school-based mental health professional, a school resource officer, a nurse, a librarian, or a representative from the medical, business or faith-based community who might have a stake in the results of the program. The principal should also decide on an appropriate award system for the committee, within available resources.
- B. The Committee shall:
  1. Hold regular meetings
  2. Select a coordinator of the 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 which have been trained, and what training they have received. Decide upon the need for and provide short, concise training updates in writing or at staff meetings.
  5. Consider, decide upon and oversee formal or informal evaluation techniques and materials (such as questionnaires), as needed
  6. Consider, decide upon and order materials, as needed
  7. Consider, decide upon and lead staff discussion groups as needed
  8. Consider and decide upon additional guidelines for consistent positive consequences for those who follow the rules and consistent negative consequences for students who break them.
  9. Review and refine the school supervisory system.
  10. Plan a school kick-off event
  11. Establish subcommittees, as needed
  12. Decide upon and implement methods of notification to students, parents and the community concerning the school-wide program.

**Reporting Requirements:** Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff 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 school employee 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.
  1. Initial Concerns
    - a. Staff members are encouraged to watch for early signs of bullying and stop them before they worsen.
    - b. Even though there has been no report of bullying to a staff member, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom inappropriate comments are made by other students, or who show signs of peer victimization.

- c. To confirm their concerns the staff member may choose to take the following steps:
  - Intensify observations of student in question
  - Confer with colleagues about that student
  - Consult the school's bullying database.
  - Take an informal survey of students about class climate
  - Engage in short personal interviews with some students
  - Conduct a brief sociometric survey
  - Contact the parent to see how student likes school
  - Speak privately with the victim
2. Written Report
  - a. If measures confirm the staff member's concerns that a student is being bullied, if a staff member receives a report of a bullying matter, or if a staff member observes a bullying incident, they must inform the principal or designated person immediately and in writing within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:
    - Persons involved, designating bully, target, and bystanders roles.
    - Time and place of the conduct and alleged, number of incidents.
    - Potential student or staff witnesses.
    - Any actions taken.
  - b. Short, easy to use forms can be obtained from the school administration or district/charter school office.

### **Investigative Procedures**

- A. Each school is required to have a procedure for the administration to promptly investigate 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.
  1. All complaints must be appropriately investigated and handled consistent with due process requirements.
  2. Each principal may designate a person or persons to be responsible for responding to bullying complaints.
  3. Neither complainant nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. However, efforts should be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person will make efforts to document the bullying from several sources. This prevents the bully, when confronted, from assuming that the victim is the complainant. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities.
  4. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, the designated person will review the complaint in conjunction with any other related complaints. Reasonable steps will then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.



5. Once the principal or designated person has confirmed that a person has been the victim of bullying, the principal or designated person will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The principal or designated person will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.
  6. After identifying those who committed the act or acts of bullying, the principal or designated person will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The bully will be informed that graduating consequences will occur if the bullying continues.
  7. The principal or designated person will keep a written record of the bullying incident, and any disciplinary actions taken. The principal or designated person will keep any written statements of those committing the bullying, victims and witnesses. Discussions with all parties should be documented as soon as possible after the events. The school will not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.
  8. A follow-up will be completed two weeks later to determine whether the bullying has continued, and whether additional consequences are needed. An additional follow-up will occur in two months, regardless of whether new incidents have been reported.
  9. Each confirmed incident 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 his designee within five (5) working days pursuant to Department of Education regulations.
- C. The school administration should be aware that 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.

**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.

- A. The Coordinating Committee will review and refine the supervisory system specifically to make bullying less likely to happen using the following techniques:
1. Determine the "hot spots" for bullying in the building, and why those hot spots exist.
  2. Consider ways of either keeping certain groups apart during transition, or building positive collaborations between older and younger students.
  3. Consider adult density in hot spots, if necessary.
  4. Consider the attitude and behaviors of supervising adults in hot spots, and determine a way to increase their competence in recognizing and intervening in bullying situations.
  5. Determine and disseminate a consistent graduated method by which all staff will recognize and respond to bullying.
  6. Develop and provide a method for communication of staff so that staff who observe bullying can intervene and notify other staff involved in supervising the same students during the day.

7. Develop a consistent and user-friendly school-wide method of logging bullying incidents or observations about students at risk for bullying or being bullied.
8. Develop or review the policy for hallway supervision before and after school and during the time when students are moving between classes.

**Consequences for Bullying:** Consequences for bullying should be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences should be disagreeable or uncomfortable but should not involve revenge or hostile punishment.

- A. Consequences should take into account:
  1. Nature and severity of the behaviors
  2. Degrees of harm
  3. Student's age, size and personality (including development and maturity levels of the parties involved)
  4. Surrounding circumstances and context in which the incidents occurred
  5. Prior disciplinary history and incidences of past or continuing patterns of behavior
  6. Relationships between the parties involved (including any imbalance of power between the perpetrator and victim)
  7. Ease of use for staff (within available resources and time constraints)
- B. The appropriate range of consequences for bullying is as follows:
  1. Removal of positive reinforcers:
    - Time-out
    - Loss of a privilege
  2. Use of negative or unpleasant stimuli:
    - Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
    - Notice to parent
    - Serious talk with school staff member.
    - Serious talk with school staff member with parents present.
    - Supervised break times.
    - Behavioral report cards sent home.
    - Creation of a behavior contract.
    - In-school suspension.
    - Detention.
    - A period of inclusion in the Learning Support Unit.
    - Reassignment of seats in class, lunch or on bus.
    - Forbidden to enter certain areas of school.
    - Reassignment of classes.
    - A referral to an external agency
    - Reassignment to another school, or another mode of transportation.
    - Expulsion.
    - Report to Law Enforcement officials
  3. In addition, but never as replacement for disciplinary action, formative activities should be given, which may include:
    - Reparation to victim in the form of payment for or repair of damage to possessions out of bullies own money.
    - Cooperation with assessment of problems.
    - Education about what bullying is and why it is not acceptable.
    - Documentation on books or films about bullying.

- Completion of bully related workbooks.
  - Completion of Letter of acknowledgement of actions to victim (only after reviewed by staff and never in cases of sexual bullying).
  - Completion of psychological assessment or evaluation.
  - Completion of counseling (In house or referral to an outside agency, individual or family).
  - Cooperation with a behavioral management program developed in consultation with a mental health professional.
  - Submission to a psychological, psychiatric or neuropsychiatric evaluation before bully can return to school.
  - Completion of community service.
- C. The Brandywine School District believes that positive consequences should be given when students are obeying the rules about bullying. These consequences may include:
1. Enthusiastic, concrete, behavior-specific praise
  2. Creative consequences that are truly positive for your students considering their age, sex, and maturity level.
- D. The Brandywine School District believes that victims should be given support. If bullying is suspected, staff members will make an effort to:
1. Find a private opportunity for discussion with victim.
  2. Discuss with victim what support they need.
  3. Ensure their safety.
  4. Record the event and follow through with actions.
  5. Provide the victim with opportunities to gain peer support.
  6. Refer the victim to available help in-school.
  7. Provide the victim with an opportunity to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate either in writing or face to face, if the victim chooses to do so.
  8. Make referrals to external agencies if necessary.
  9. Provide the victim with information for mental health or medical treatment needs.

### **Training**

- A. The Brandywine School 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. 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).
- B. All school employees must either attend the provided training session live or watch the official training materials provided by the district/charter school in lieu of attendance, with written proof in the form of signing in an out of the live session, or signing the film in and out, and providing adequate written answers to questions about the training materials.

### **Reporting Procedures**

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian to provide information on bullying activity will be as follows:

1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.
2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will make an effort to provide the child with a practical, safe, private and age-appropriate method of doing so.
3. A letter box will be placed in a place or places selected by the committee, so that students who feel unable to talk to any staff can have a point of contact. Information found in the box must be treated with care and a staff-member or members will be designated to be responsible for this information. Blank "Bullying– request for support forms" will be available to all students, but are not required for a report.
4. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
  - Conduct involved
  - Persons involved, designated bully, target, and bystanders' roles
  - Time and place of the conduct alleged, number of incidents
  - Names of potential student or staff witnesses.
  - Any actions taken in response
5. Short, easy to use complaint forms can be obtained from the school administration or district/charter school office.
6. An electronic system will be established whereby a person can email anonymous complaints of bullying that only designated persons will have access to.
7. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.
8. Each principal will designate a person or persons responsible for responding to bullying complaints.
9. Every identified complainant who files a written complaint with a staff member will receive a written explanation of results to the extent that it is legally allowed and be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms will be made available.
10. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents, which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

**Anonymous Reports:** Formal disciplinary action solely based on an anonymous report is not permitted. Independent verification of the anonymous report is necessary in order for any disciplinary action to be applied.

**Notification of Parent(s), Guardian or Relative Caregiver:** A parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

**Retaliation:** *Retaliation following a report of bullying is prohibited.* The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the school administration after consideration of the nature, severity, and circumstances of the act.

### **Procedure to Communicate with Medical and Mental Health Professionals.**

- A. The following procedures for communication between school staff members and medical professionals who are involved in treating students for bullying issues must be followed:
1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver 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.
  2. 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.
  3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
    - Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
    - 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.
  4. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.
- B. 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)-633-5128. 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 for recommended providers in the area.

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

**Accountability:** Each school shall notify the District/Charter School Board 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. Each school shall verify for the District/Charter School Board the method and date that the policy has been distributed, to all students, parents, faculty and staff.

**Awards:** In any year when the Delaware Department of Education provides an awards system for exemplary bullying prevention programs, the District/Charter School shall submit a nomination of 1 exemplary school and the reasons why it believes that school should receive an award for its Bully Prevention Program, with supporting documentation.

**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.

**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 school district or charter school initiated under this policy provided there is sufficient school nexus.
- B. This section 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 school district or charter school policy.

**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

**School Ombudsperson Information:** The telephone number of the Department of Justice School Ombudsman shall be provided in writing to parents, students, and 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.

**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.

**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.

# APPENDIX V

## POLICY 08.8: STATEMENT ON RELEASING STUDENTS TO PERSONS OTHER THAN PARENTS OR LEGAL GUARDIANS/CUSTODIANS

- A. **PURPOSE:** To establish uniform criteria for releasing students in the Brandywine School District to persons other than their parents or legal guardians/custodians at times other than normal after school dismissal.
- B. **ISSUE:** Often students need to be released from school at times other than normal release time. The Delaware Department of Education requires the Boards of all public school districts to adopt a policy on releasing students to persons other than their parents or legal guardian/custodian at these times.
- C. **POLICY:**
1. A student may be released to a person other than the student's parent or legal guardian/custodian under the following conditions:
    - a. The student's parent or legal guardian/custodian has made a request, in writing or verbally, to release his/her child(ren) to a specifically named adult prior to the school releasing the child(ren) into the adult's custody. The adult must present picture identification at the time she/he appears to pick up the child(ren); or
    - b. The child is being transported by any officer or agent of a city, county or state agency for the purpose of law enforcement, or if a child is being transported to a hospital or medical facility for treatment, by certified or other qualified medical emergency transportation personnel. All reasonable attempts shall be made to notify parents or legal guardians/custodians immediately upon the event of a student being transported to a hospital or medical facility for treatment.
  2. Written permission can be assumed if a person, other than the parent of legal guardian/custodian of the child(ren), has been named on the emergency contact card/sheet maintained by the school.
  3. A student may not be released to a person under the age of 18 unless that person is the parent or legal guardian/custodian of the student or the school has received written authorization to release the student to a family member under the age of 18 prior to such release.
  4. This policy only applies to releasing students from school at time other than the end of the school day, the end of any school sponsored event or activity, or at the end of after school child care operated by the school.

At no time shall a student be left on school district property unsupervised at the end of the school day or school-sponsored event.

# APPENDIX VI

## PROCEDURES FOR RELIGIOUS OBSERVANCES

**Requests for Designating a Religious Observance Day:** Religious groups may request consideration from the District to recognize religious observances on school calendar days. For example, the Jewish community asked the District to recognize major religious holidays such as Rosh Hashanah and Yom Kippur. In recognizing Rosh Hashanah and Yom Kippur, the observances begin at sundown the evening before the holiday and ends at sundown on the evening of the holiday.

**Student Absences:** Absences will be excused and students shall be allowed to make up work missed such as tests, major term papers, and significant class reports without penalty. The time allowed for making up tests or turning in assignments shall be equal to the number of school days or number of class meetings missed. Excused absences for religious observances will not interfere with achieving perfect attendance.

**Event and Activity Scheduling:** When the District recognizes religious observance requests, schools must not schedule parent meetings, concerts, plays, athletic events or any other important happenings on days of recognized religious observances unless granted an exception by the Assistant Superintendent at least 4 weeks prior to the scheduled event.

**School District Calendar:** The religious observances recognized by the Board will be placed on the school district calendar. If a conflict occurs surrounding a unique one-time event, teachers and administrators should exercise sensitivity and flexibility in resolving them. The only potential exception for scheduling an event on recognized religious holidays or participating in an event scheduled by a third party is for one-time events or events scheduled by a third party where students would not have another opportunity in the year to participate in the type of event scheduled. The scheduling or participation in one-time events or events scheduled by a third party, if falling on a recognized religious holiday, should be approved by the Superintendent or designee at least 4 weeks prior to the scheduled event.

### Brandywine School District recognizes the following holidays:

- |                            |               |
|----------------------------|---------------|
| • September 21 – 22, 2017  | Rosh Hashanah |
| • September 30, 2017       | Yom Kippur    |
| • December 13-20, 2017     | Hanukkah      |
| • March 31 - April 7, 2018 | Passover      |

**All Jewish holidays begin at sundown on the evening before the holiday.  
Please do not schedule activities and/or events on these days.**



## **APPENDIX VII**

### **A LAWFUL AUTHORITY OF TEACHERS OVER PUPILS**

Authority of teachers and administrators to control the disruptive behavior of students.

- A. "Disruptive behavior" includes conduct that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or a school-sponsored activity.
- B. While a student is entrusted in their care or supervision, public school teachers and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian or other person similarly responsible for the care and supervision of the student except as provided in § 702 of this title. The authority includes removing a student from a classroom or school-sponsored activity.
- C. When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student's disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher's decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher's decision to remove the student was reasonable and necessary under the circumstances.
- D. When a student is removed from a classroom or school-sponsored activity or is disciplined or punished pursuant to this section, the principal or the principal's designee shall afford the student appropriate due process as required by the federal and State constitutions.
- E. When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.
- F. When a teacher or school administrator removes a student from a classroom or school-sponsored activity or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.
- G. Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardians policy or standards that:
  1. Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher's ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity; and
  2. Further define and/or provide examples of "disruptive behavior" set forth in subsection (a) of this section.
- H. A district shall not establish or adopt a policy or standards that prohibit the removal of a student from a classroom or school-sponsored activity.
- I. No teacher who purports to have acted pursuant to the teacher's rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher's conduct shocks the conscience. (14 Del. C. 1953, § 701; 57 Del. Laws, c. 383; 60 Del. Laws, c. 662, § 1; 72 Del. Laws, c. 236, § 1; 73 Del. Laws, c. 75, § 1; 74 Del. Laws, c. 17, §§ 1-3; 75 Del. Laws, c. 158, § 1.)

# APPENDIX VIII

## NOTICE OF PARENT AND STUDENT RIGHTS

### UNDER SECTION 504 OF THE REHABILITATION ACT

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that students with disabilities have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, reading, thinking, concentrating, sleeping, bowel/bladder functions, eating and other major life activities.

**DUAL ELIGIBILITY:** Some students will be eligible for educational services under the Individuals with Disabilities Education Act (IDEA) and Section 504. Students who are eligible for educational services under the IDEA have many specific rights that are not available to students who are eligible for services under Section 504. Parent and student rights under the IDEA are documented in the Delaware Procedural Safeguards Notice available from the Delaware Department of Education or through the District's Department of Educational Services in the District's Administrative Office. The purpose of this notice is to inform parents and students of their rights under Section 504 for disabled students who do not qualify for educational services under the IDEA.

The enabling regulations for Section 504, as set out in 34 Code of Federal Regulations (CFR) Part 104, provide parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and evaluation or assessment test scores. 34 CFR 104.35.

8. Placement decisions must be made by a group including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
10. You have the right to notice prior to any action by the District in regard to the identification, evaluation or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records. 34 CFR 104.36.
12. Questions or concerns regarding your child's identification, evaluation or educational placement should be directed to Dr. Lisa Lawson, Director of Special Education and Support Services at 1311 Brandywine Boulevard, Wilmington, DE 19809 or (302) 793-5043.
13. If you believe your rights, or the rights of your child, under Section 504 have been violated, you may file a written grievance with Dr. Lisa Lawson following the grievance procedures attached to this Notice. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office is:

Office of Civil Rights  
U.S. Department of Health and Human Services  
150 S. Independence Mall West  
Suite 372  
Philadelphia PA, 19106-9111

## **APPENDIX IX**

### **R08.1.2 REGULATION ON ADDRESSING COMPLAINTS OF NON-COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT**

#### **STATEMENT OF PURPOSE:**

To establish an administrative process to address a complaint that the District has failed to comply with the requirements of Section 504 of the Rehabilitation Act ("the Act").

#### **REGULATION**

##### **A. DEFINITIONS**

1. **"Grievant"** as used in this Regulation shall mean a parent of a student with a disability, or a student age 18 years or older with a disability who believes that the District has failed to comply with Section 504 of the Rehabilitation Act.
2. **"Superintendent"** as used in this Regulation shall mean the Superintendent of the Brandywine School District or his/her designee.

3. **“Controversy”** as used in this Regulation means an allegation that the District failed to comply with the requirements of the Act, whether intentional or unintentional.

**B. PROCEDURE**

1. A grievant who believes that the District has failed to comply with the requirements of Act must file a written complaint with the Director, Special Education and Support Services within seven (7) business days after the grievant knew or should have known of the controversy. The written complaint must include:

- The nature of the controversy
- The name of the administrator responsible for the location where the controversy arose.
- Attempts by the grievant to address the controversy prior to filing the complaint.
- A proposed remedy for the controversy.

The grievant may use the COMPLAINT OF NON-COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT form located at District Offices and on the District’s Website.

2. Within two work days, the Director, Special Education and Support Services shall notify the Superintendent of the complaint.
3. The Superintendent or designee shall schedule a hearing within 15 school days of receipt of the written grievance. Parents shall have the right:
- To be represented by counsel at their own expense;
  - To present witnesses and cross examine any witnesses presented by the District; and
  - To receive a copy of any written report.

The hearing shall be recorded, and a transcript of the hearing created. Parents shall have a right to receive a copy of the transcript at their own expense.

4. A written report of findings and recommendations of the Hearing Officer shall be submitted to the Superintendent within 5 school days of the hearing for review. The Superintendent shall forward a copy of the Hearing Officer’s Report to the grievant and the Director, Special Education and Support Services.
5. Within ten (10) work days of receipt, the Superintendent shall determine if the District failed to comply with the Act and will provide written notification to the Director, Special Education and Support Services of his/her decision. If the Superintendent determines that the District failed to comply with the Act, she/he will determine the appropriate remedy which may include, but is not limited to, the remedy proposed by the grievant.
6. The Director, Special Education and Support Services shall send written notification of the Superintendent’s decision to the grievant by certified mail within two (2) work days of receipt
7. The grievant may file a complaint with a court of competent jurisdiction, or with the Office of Civil Rights at the following address:

Office of Civil Rights  
U.S. Department of Health and Human Service  
150 S. Independence Mall West  
Suite 372  
Philadelphia PA, 19106-9111

**Questions about this regulation should be addressed to the  
Office of the Superintendent at 1311 Brandywine Boulevard, Wilmington, DE 19809  
or (302) 793-5002.**

# APPENDIX X

## REGULATION 08.1.1: REGULATION ON ADDRESSING COMPLAINTS OF NON-COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS ACT

### STATEMENT OF PURPOSE:

To establish an administrative process to address a complaint that the District has failed to comply with the requirements of the Title IX of the Education Amendments Act (“the Act”).

### REGULATION:

#### A. DEFINITIONS

1. **“Grievant”** as used in this Regulation shall mean a parent of a student, a student age 18 years or older, or an employee of the District who believes that the District has discriminated against a student or group of students because of gender in the education programs or activities of the District in violation of the requirements of the Act.
2. **“Superintendent”** as used in this Regulation shall mean the Superintendent of the Brandywine School District or his/her designee.
3. **“Controversy”** as used in this Regulation means an allegation that the District failed to comply with the requirements of the Act, whether intentional or unintentional.

#### B. PROCEDURE

1. A grievant who believes that the District has failed to comply with the requirements of Act must file a written complaint with the Director of Human Resources within seven (7) business days after the grievant knew or should have known of the controversy. The written complaint must include:
  - a. The nature of the controversy
  - b. The name of the administrator responsible for the location where the controversy arose.
  - c. Attempts by the grievant to address the controversy prior to filing the complaint.
  - d. A proposed remedy for the controversy.The grievant may use the COMPLAINT OF NON-COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS ACT form located at District Offices and on the District’s Website.
2. Within two (2) work days, the Director of Human Resources shall notify the Superintendent of the complaint.
3. The Director of Human Resources, or his/her designee shall investigate the allegations in the written complaint and present a written report of findings and recommendations to the Superintendent within 20 work days of receipt. The grievant shall be notified that the written report has been provided to the Superintendent for review.
4. Within ten (10) work days of receipt, the Superintendent shall determine if the District failed to comply with the Act and will provide written notification to the Director of Educational Services of his/her decision. If the Superintendent determines that the District failed to comply with the Act, she/he will determine the appropriate remedy which may include, but is not limited to, the remedy proposed by the grievant.

5. The Director of Human Resources shall send written notification of the Superintendent's decision, by certified mail, to the grievant within two (2) work days of receipt
6. If the grievant is not satisfied with the Superintendent's decision, the grievant may file a written response to the decision with the Superintendent, within five (5) days of receipt of the written decision. The Superintendent shall forward:
  - A copy of the written decision;
  - The grievant's response to the written decision; and
  - The investigation report, to the Board for review and discussion in the next appropriate Executive Session of the Board. If the grievant fails to timely file a written response to the Superintendent's decision, the Superintendent's decision shall be final.
7. The grievant may request an audience with the Board during the Executive Session in which the Board is discussing his/her appeal.
9. Within five (5) work days of the Board's decision, the Superintendent, shall send the grievant a written copy the Board's decision. The Board's decision shall be final.

**Questions about this regulation should be addressed to the Office of the Superintendent at 1311 Brandywine Boulevard, Wilmington, DE 19809 or (302) 793-5002.**

## **APPENDIX XI**

### **NOTICE NO CHILD LEFT BEHIND**

### **DISCLOSURE OF STUDENT INFORMATION TO MILITARY RECRUITES, INSTITUTION OF HIGHER LEARNING & OTHER GROUPS**

On January 8, 2002, President Bush signed into law the No Child Left Behind Act ("NCLB"), Public Law 107-110. In addition to addressing academic standards, teacher quality and school safety, the law also imposes requirements regarding the disclosure of student contact information to military recruiters, institutions of higher learning, and other groups.

Under section 9528 of the NCLB, local school districts are required to disclose the names, addresses, and telephone numbers of high school students upon request by military recruiters, institutions of higher learning, and other groups, **unless** individual students or their parents request that the information not be released without prior written consent. The Brandywine School District has created forms for parents and students in the 11th and 12th grades to complete and return to the Principal if parents and students do not want information disclosed to military recruiters, institutions of higher learning, or other groups without prior consent. The forms are available in the guidance office of each high school and must be completed and returned to the Principal by November 1 of the current school year. If the Principal has not received this form by November 1, the school will assume that it has your consent to release information to military recruiters, institutions of higher learning, and other groups.

# APPENDIX XII

## POLICY 07.7: STATEMENT ON SUICIDE PREVENTION TRAINING

### A. **PURPOSE:**

In compliance with Title 14, §4124. Brandywine School District establishes this Policy to outline the procedures/protocol for training public school employees on suicide prevention.

### B: **ISSUE:**

The Brandywine School District (hereinafter referred to as “The District”) recognizes the serious problem of youth suicide and acknowledges that providing this policy for schools and districts related to youth suicide recognition and prevention is very important. The District also acknowledges that youth suicide is a complex issue, which cannot be addressed by the districts and schools alone. This Suicide Prevention Policy (“Policy”) meets the requirements of 14 Del. C. §4124, relative to Suicide Prevention.

The Superintendent shall ensure that all requirements of 14 Del. C. § 4124 in regards to suicide prevention are included in the Student Code of Conduct and are reviewed annually and updated as needed.

### C: **POLICY:**

#### 1. **Suicide Prevention Training for Public School Employees**

Each public school employee of the District shall participate in at least one combined training each year totaling ninety (90) minutes on suicide prevention. The training materials shall be evidence-based and developed and/or approved by the Department of Education, Department of Health and Social Services, and the Department of Services for Children, Youth and Their Families. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. §1305(e).

#### 2. **Suicide Prevention Program**

The District shall develop a Suicide Prevention Program. The components of the District’s Suicide Prevention Program may vary to address the needs of different grade levels. Each school shall establish a committee that is responsible for coordinating the suicide prevention program within the school. This can be addressed through a currently existing committee in the school.

#### 3. **Confidential and Anonymous Reporting**

School staff shall follow the District “**Crisis Intervention Procedures for Suicide Threats**” to provide for confidential and anonymous reporting of a student demonstrating the warning signs of suicide. The document outlining the process will be maintained by the principal or a staff member designated by the principal and a copy will be sent to the Student Services Office. At a minimum, any privacy rules shall be followed, including any applicable Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) provisions.

**Procedure for communication between school staff members and medical professional who are involved in treating students for suicide issues.**

For a student who has not reached the age of 18, Release of Information forms shall be signed by the parent, guardian, or relative caregiver in order for the primary care physician or healthcare professional to communicate with school personnel regarding any treatment of a student.

Notwithstanding the foregoing, communications between healthcare professionals and school staff regarding any treatment of a student may occur for any student 14 years or older who has provided consent for voluntary outpatient treatment in accordance with 16 Del. C. § 5003. In accordance with HIPAA and FERPA guidelines, releases shall be signed before communication may take place. Communications without signed releases in emergency situation may occur in accordance with HIPAA and FERPA regulations and 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 the student.
- Emergency evaluations can be obtained from hospital emergency departments; a licensed healthcare professional; a physician; or nurse practitioner; or from the state's Child Priority Response Mobile Crisis Service if the student is under 18 years of age, or from the Adult Mobile Crisis Service if student is between the ages of 18-21.

#### **4. Posting of the Suicide Prevention Policy**

The District shall post this Suicide Prevention Policy in all student and staff handbook(s) and on the District's website.

#### **5. Retaliation Restrictions**

No employee, school volunteer or student shall be retaliated against for reporting a student thought to be demonstrating the warning signs of suicide.









**Brandywine School  
District Administrative Offices**

*Dr. Mark Holodick, Superintendent  
Lincoln Hohner, Asst. Superintendent  
Cora Scott, Exec. Dir., Elementary Ed.  
Jim Simmons, Exec. Dir., Secondary Ed.*

1311 Brandywine Boulevard,  
Wilmington, DE 19809-2306  
**Brandywineschools.org**  
(302) 793-5000 *Main Office*  
(302) 765-1995 *Fax*

**Brandywine High**

1400 Foulk Road  
Wilmington, DE 19803  
*Keith Rolph, Principal  
Marqueia Davis, Asst. Principal  
Dionie Lum, Dean of Students*  
(302) 479-1600 *Main Office*  
(302) 479-1604 *Fax*  
(302) 479-1609 *Guidance Office*  
(302) 479-1602 *Nurse's Office*

**Bush School**

2523 Berwyn Road  
Wilmington, DE 19810  
*Kris Viar, Principal*  
(302) 479-2600 *Main Office*  
(302) 479-2216 *Fax*  
(302) 479-2207 *Nurse's Office*

**Carrcroft Elementary**

503 Crest Road  
Wilmington DE 19803  
*Mark Overly, Principal  
Wendy Johns, Asst. Principal*  
(302) 762-7165 *Main Office*  
(302) 762-7106 *Fax*  
(302) 762-7195 *Guidance Office*  
(302) 762-7166 *Nurse's Office*

**Claymont Elementary**

3401 Green Street  
Claymont, DE 19703  
*Tamara Grimes-Stewart, Principal  
Chris Romano, Asst. Principal  
Angela Williams, Asst. Principal  
Ed Burks, Dean of Students*  
(302) 792-3880 *Main Office*  
(302) 792-3877 *Fax*  
(302) 792-3880 *Guidance Office*  
(302) 792-3882 *Nurse's Office*

**Concord High**

2501 Ebright Road  
Wilmington, DE 19810  
*Yolanda McKinney, Principal  
Jeff Langrehr, Asst. Principal  
Richard Carter, Asst. Principal  
Diane Gray, Dean of Students*  
(302) 475-3951 *Main Office*  
(302) 529-3094 *Fax*  
(302) 475-3950 *Guidance Office*  
(302) 475-3965 *Nurse's Office*

**ECAP/STEP Program**

701 W. 34th Street  
Wilmington, DE 19802  
*Kris Viar, Principal  
P.J. Facciolo, Coordinator*  
(302) 761-7420 *Main Office*  
(302) 761-7496 *Fax*

**Forwood Elementary**

1900 Westminster Drive  
Wilmington, DE 19810  
*Michael McDermott, Acting Principal*  
(302) 475-3956 *Main Office*  
(302) 529-3092 *Fax*  
(302) 475-3956 *Guidance Office*  
(302) 475-3958 *Nurse's Office*

**Hanby Elementary**

2523 Berwyn Road  
Wilmington, DE 19810  
*Ronnie Wilkie, Principal  
Larry Snow, Asst. Principal*  
(302) 479-2220 *Main Office*  
(302) 479-2216 *Fax*  
(302) 479-2220 *Guidance Office*  
(302) 479-2207 *Nurse's Office*

**Harlan Elementary**

3601 Jefferson Street  
Wilmington, DE 19802  
*Hekima Wicker, Principal  
Reshid Walker, Asst. Principal*  
(302) 762-7156 *Main Office*  
(302) 762-7117 *Fax*  
(302) 762-7159 *Guidance Office*  
(302) 762-7158 *Nurse's Office*

**Lancashire Elementary**

2000 Naamans Road  
Wilmington, DE 19810  
*Lavina Jones-Davis, Principal  
Paul Iaboni, Asst. Principal*  
(302) 475-3990 *Main Office*  
(302) 475-3999 *Fax*  
(302) 475-3990 *Guidance Office*  
(302) 475-3992 *Nurse's Office*

**Lombardy Elementary**

412 Foulk Road  
Wilmington, DE 19803  
*Linda Jarman, Acting Principal  
Kim Roop, Asst. Principal*  
(302) 762-7190 *Main Office*  
(302) 762-7108 *Fax*  
(302) 765-3819 *Guidance Office*  
(302) 762-7192 *Nurse's Office*

**Maple Lane Elementary**

100 Maple Lane  
Claymont, DE 19703  
*Yulonda Murray, Principal  
Jim Fedena, Asst. Principal*  
(302) 792-3906 *Main Office*  
(302) 792-3941 *Fax*  
(302) 792-3906 *Guidance Office*  
(302) 792-3907 *Nurse's Office*

**Mt. Pleasant Elementary**

500 Duncan Road  
Wilmington, DE 19809  
*Matthew Auerbach, Principal  
Kim Fawks, Asst. Principal  
Tracey Roberts, Asst. Principal  
Keith Casey, Dean of Students*  
(302) 762-7120 *Main Office*  
(302) 762-7040 *Fax*  
(302) 762-7120 *Guidance Office*  
(302) 762-7110 *Nurse's Office*

**Mt. Pleasant High**

5201 Washington Street Ext.  
Wilmington, DE 19809  
*Heather Austin, Principal  
Ella Burton, Asst. Principal  
Curi Lawrence, Asst. Principal  
Wally Waite, Asst. Principal  
Paul Gillerlain, Dean of Students*  
(302) 762-7125 *Main Office*  
(302) 762-7042 *Fax*  
(302) 762-7127 *Guidance Office*  
(302) 762-7128 *Nurse's Office*

**P S duPont Middle**

701 W. 34th Street  
Wilmington, DE 19802  
*Delethia McIntire, Principal  
Len Potter, Asst. Principal  
Brent Thorpe, Asst. Principal  
Brian McGuire, Dean of Students  
Tamara McDermott, Dean of Students*  
(302) 762-7146 *Main Office*  
(302) 762-7196 *Fax*  
(302) 762-7146 *Guidance Office*  
(302) 762-7147 *Nurse's Office*

**Springer Middle**

2220 Shipley Road  
Wilmington, DE 19803  
*Tracy Woodson, Principal  
Devearl Royster, Asst. Principal  
Lynn Scanlan, Asst. Principal  
Lindsay Spada, Dean of Students*  
(302) 479-1621 *Main Office*  
(302) 479-1628 *Fax*  
(302) 479-1624 *Guidance Office*  
(302) 479-1623 *Nurse's Office*

**Talley Middle**

1110 Cypress Road  
Wilmington, DE 19810  
*Mark Mayer, Principal  
Priceson Princlius, Asst. Principal  
Marty Regan, Asst. Principal  
Melinda Tartaglione, Dean of Students*  
(302) 475-3976 *Main Office*  
(302) 475-3998 *Fax*  
(302) 475-3976 *Guidance Office*  
(302) 475-3980 *Nurse's Office*

