

Cape Henlopen School District



2021-2022 STUDENT CODE OF CONDUCT

STUDENTS RIGHTS AND RESPONSIBILITIES

The Student Code of Conduct is an official policy of the Cape Henlopen School District Board of Education, adopted September 1, 1994. The Board of Education expects that this Code will be subject to ongoing review and revision in response to:

- Administrative, staff, students, and parents' suggestions
- Legal interpretation
- Annual review
- Current conditions

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CHAPTER I INTRODUCTION

The Cape Henlopen School District, hereafter referred to as the District, is dedicated to developing each student's potential for learning. To achieve this, students, parents and school staff must share the responsibility for encouraging orderly and constructive student behavior.

The Cape Henlopen Board of Education, hereafter referred to as the Board, believes that each student in the District should be afforded the best opportunities possible to develop that student's potential for learning. In order to assure the appropriate learning experience, the Board believes that a safe, orderly, and constructive environment must be maintained in our schools. To this end, conduct that is disruptive of the educational process, disrespectful of the rights and dignity of others, or harmful to the welfare and safety of others will not be tolerated. The following information is presented as a guide in order to continue to promote a positive environment for the continued and enhanced promotion of positive environments for the education and self-esteem of all members of the educational community.

Student Citizenship: Since the establishment of the public school system in the United States, our courts have interpreted education to be a state function, with the aim of promoting the state's total welfare and not merely the welfare of each individual. The public school provides the opportunity for the child to receive a free education, which is not of a charitable nature.

The Board, in the support of public education, considers the behavior of students attending public school a reflection of the standards of good citizenship demanded of members in a democratic society. Assuming responsibility of one's actions is one of the ultimate goals of education.

The Board, in agreement with the courts, believes also that while the opportunity for education is a right of American youth, education itself is not an absolute right. It is qualified first by eligibility requirements and secondly by performance requirements. With regard to performance requirements, the courts speak of education as a limited right or privilege; that is, should the student fail to meet the required responsibilities of attendance in public school, the student may, as a last resort, be excluded from the school. Therefore, the Board has developed the following policy statements:

1. Students in the Cape Henlopen School District shall respect constituted authority.
2. Citizenship in a democracy requires respect for the rights of others. Student conduct shall reflect consideration for the rights and privileges of others and demands cooperation with all members of the school community.
3. High personal standards of appearance, clothing, courtesy, decency, morality, clean language, honesty and wholesome relationships with others shall be maintained. Respect for real and personal property, pride in one's work and achievement within one's ability shall be expected of all students. Every student who gives evidence of a sincere desire to receive an education, to be diligent in studies and to profit by the educational experiences provided will be given every opportunity to do so and will be assisted in every way possible to achieve scholastic success.
4. Parents and guardians play an important role in their children's understanding and respect for human diversity. Parents have a responsibility to encourage their children to conduct themselves in ways that contribute to a safe and inclusive school environment. Parents also have a personal responsibility to conduct themselves in a way that respects the human diversity as well.

DISCIPLINE POLICY

The opportunity for education is the right of all students in our District, but education itself is a right gained only by those responsible citizens whose behavior and attitudes enable them to derive the very most from their public school years. An ultimate goal of education should be the responsibility for one's own actions. Achieving this goal requires the cooperation of students, parents, teachers and administrators. It is hoped that the following discipline procedures will aid each student in developing good citizenship qualities, scholastic success and a high degree of self-discipline.

The purpose of any disciplinary measure should be to modify or change behavior rather than to serve as punishment. In order to attempt to modify behavior, the unacceptable behavior must be identified and communicated to the parties involved.

Certain procedures must be followed to ensure that each student receives the rights of due process, listed below;

1. notice of the conduct which is required of or prohibited;
2. an explanation of the specific evidence giving rise to any proposed penalties or discipline;
3. opportunity to express or convey his/her views or rebuttals regarding the incident;
4. decisions based on the incidents or matters about which the student has been apprised as indicated above.

Special attention to the orientation of all parties involved will be given so that this policy will be completely understood. Orientation for students and staff will be at the beginning of each school year and student handbooks will contain this policy. An in-service program will be held during the year to brief staff on the discipline policy.

WHAT IS THE STUDENT CODE OF CONDUCT?

The Code is an official policy of the Board. It applies to all students. It is based on the premise that the primary goals in discipline are improving behavior and protecting the welfare of all students.

Students, parents and staff are encouraged to become familiar with this document, in its entirety, which addresses:

- The rights and responsibilities of students.
- The attendance policy.
- Conduct that disrupts a positive environment.
- Procedures for disciplinary action.

WHEN IS THE CODE IN FORCE?

The Code is in force:

- On school property, the bus stop and on the school bus at all times.
- At all activities where school personnel have jurisdiction over students.

- Out-of-school if the student's conduct demonstrates a propensity to disregard the health, safety or welfare of others.

The Principal or designee is authorized to take administrative action when a student's misconduct to and from school, at school or out-of-school, is harmful to other students, to staff or to the orderly execution of the education function.

WHAT IS A POSITIVE AND SAFE SCHOOL ENVIRONMENT?

The Board believes that all persons are entitled to a safe and orderly school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence. A positive school environment requires understanding and tolerance, if not appreciation, of individual differences. It is built upon mutual respect, positive attitudes and outlooks, fair and consistent policies and procedures, and a commitment to personal and professional growth and development. The atmosphere is friendly, yet business-like, and one which fosters cooperation between students and school personnel as they work toward recognized and acceptable goals. It is relatively free from distractions and is conducive to learning and preparing for a productive life in our society. This Code of Conduct has been adopted as part of the District's efforts to foster such a learning environment in accordance with state and federal law.

STUDENT EXPECTATIONS

Students are expected to:

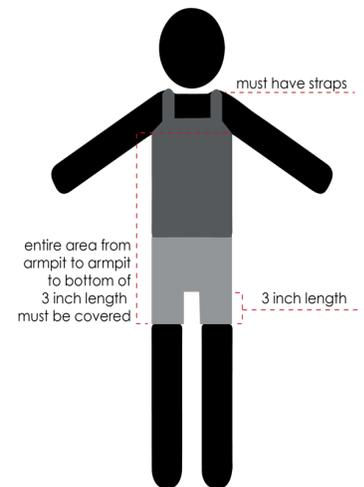
- Conduct themselves in an orderly, safe and responsible manner.
- Attend all classes daily and on time.
- Be prepared for class assignments and activities, with appropriate working materials.
- Respect other people and their property.
- Refrain from abusive language and defamatory, inflammatory, and demeaning actions.
- Be clean and neatly dressed.
- Be responsible for individual assignments, those completed in school and out of school.
- Show respect for all adults, irrespective of their assignments within the building (e.g. volunteers, parents, custodians, paraprofessionals, teachers, administrators).
- Abide by rules and regulations of the school and individual classroom teachers.
- Accept, understand, and respect diversity and differences among fellow students and staff.
- Express feelings and needs in constructive, socially appropriate ways.
- Resolve differences through acceptable, peaceful methods such as dialogue, compromise and arbitration.

STUDENT DRESS CODE

The Cape Henlopen School District respects students' rights to express themselves through their manner of dress. All Cape Henlopen School District students are expected to respect the school community by dressing appropriately for an educational environment. Student attire should facilitate participation in learning and be mindful of the health and safety of students and the adults that supervise them. The administration at each school reserves the right to determine what constitutes appropriate dress. Enforcement of this dress code will not reinforce or increase marginalization or discrimination against any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.

Minimum Requirements:

1. Clothing must cover areas from one armpit across to the other armpit, down to approximately 3 inches in length on the upper thighs (see image). Tops must have shoulder straps. Rips or tears in clothing should be lower than the 3 inches in length. Bottoms are to be worn at the natural waist without undergarments being exposed.
2. Shoes must be worn at all times and should be safe for the school environment (pajamas, bedroom shoes or slippers shall not be worn, except for school activities approved by the principal or designee).
3. See-through or mesh garments must not be worn without appropriate coverage underneath that meet the minimum requirements of the dress code.
4. Headgear including hats, hoodies, and caps are not allowed unless required for religious, medical, or other reasons as determined by school administration.
5. Specialized courses may require specialized attire, such as sports uniforms or safety gear.



Additional Requirements:

6. Clothing may not depict, imply, advertise, or advocate illegal, violent, or lewd conduct, weapons, or the use of alcohol, tobacco, marijuana or other controlled substances.
7. Clothing may not depict or imply pornography, nudity, or sexual acts.
8. Clothing may not display or imply vulgar, discriminatory, or obscene language or images.
9. Clothing may not state, imply, or depict hate speech/imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected classification.
10. Sunglasses may not be worn inside the building.
11. Clothing and accessories that endanger student or staff safety may not be worn.
12. Apparel, jewelry, accessories, tattoos, or manner of grooming that, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior is prohibited.

School-directed changes to a student's attire or grooming should be the least restrictive and disruptive to the student's day. Any school dress code enforcement actions should minimize the potential loss of educational time. Administration and enforcement of the dress code will be gender neutral and consistent.

SCHOOL DRIVING PRIVILEGES

Driving to school and parking on school property is a privilege extended to the student body by the Board. Any student who drives or parks a vehicle on school grounds shall register that vehicle with the school. The registration number must be displayed every day in the front window of the car.

Students should follow the rules for driving/parking cars on school grounds as follows:

1. Register all vehicles with the office. The tag must be displayed.
2. Park in student parking areas only.
3. Obey 15 mph speed limit.
4. Operate the vehicle in a safe manner.
5. Upon arrival to school, student drivers and riders shall go directly into the building.
6. Once on school grounds, students may not drive off the property without administrative approval.
7. Administrative approval is required for students to be in the parking lot areas when school is in session as they are unauthorized areas for students during the school day.
8. Students who drive or ride to school shall be on time.
9. Only legally licensed drivers may drive/park on school grounds.

Students who disobey these rules may have their school driving/parking privileges suspended or revoked. Students who have unregistered vehicles, suspended or revoked driving privileges, or who park in unauthorized or other unassigned spaces may have the vehicle towed at owner expense.

CHAPTER II

STUDENT GOVERNMENT, FREE SPEECH, PUBLICATIONS AND SEARCH AND SEIZURE

The Principal of each school has the responsibility and authority to maintain an orderly school. The Board guarantees students the freedoms provided by law, consistent with protecting the due process rights, health, safety and welfare of students and staff. The Board recognizes and supports students' rights and corresponding responsibilities.

STUDENT GOVERNMENT

Student government is a means for providing students with an opportunity to express themselves and to act on school matters through democratic processes. All members of the school community share the responsibility for helping the student government. Students shall be given the opportunity to contribute to the making of decisions that affect the climate of the school. District and school policies shall be available for student governments.

Students have the right:

- To form and operate a student government within each school under the direction of a faculty advisor. This right shall be exercised consistent with the District's applicable rules and regulations.
- To recommend members of the faculty to serve as sponsors for their school's governmental organization.
- To seek office in student government regardless of race, sex, creed, national origin, disability, religion, gender, gender identity, sexual orientation, political beliefs, or similar characteristic.

Students have the responsibility:

- To work on the needs of the student body in cooperation with assigned staff members.
- To get prior consent of recommended faculty members before announcing plans or programs.
- To conduct election campaigns in a positive manner, respecting the rights of other candidates.

FREE SPEECH AND EXPRESSION

One of the basic purposes of school is to prepare students for responsible self-expression as guaranteed by the U.S. Constitution. Self-expression must not be obscene, libelous or disruptive to the educational process.

Students have the right:

- To participate in patriotic activities. Students shall also have the right to be excused from any school activity that is against their religious beliefs or deep personal convictions.
- To express individual opinions.
- To assemble peacefully on school property at a time and place approved by the Principal.

Students have the responsibility:

- To act in an appropriate manner during all school activities.
- To be well informed about issues and to express their opinions in a reasonable manner at a reasonable place and time.
- To assemble peacefully without endangering the health and safety of others, without damaging property and without disrupting the activities of others.

PUBLICATIONS

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

Principals and/or their designees may exercise editorial control over the treatment of sensitive or controversial issues and will suppress or recall literature which they consider primarily commercial or which could disrupt the orderly operation of the school.

Students have the right:

- To possess, post, and distribute literature which will not disrupt the school program and which adheres to District guidelines.
- To be free from censorship of their publications, unless information contained therein violate the limitations imposed by District guidelines.

Students have the responsibility:

- To use only bulletin boards or wall areas assigned for use by students and student organizations.
- To refrain from publishing libelous and obscene materials;
- To have approval of all the information on topics about which they write;
- To observe acceptable standards of good taste;
- To observe the normal rules for responsible journalism.

SCHOOL LOCKER POLICY

School lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers which are provided for the convenience of its students. Periodic general or random inspections of lockers may be conducted by school authorities for any reason at any time, with or without reasonable suspicion of the commission of a crime or a school disciplinary infraction. Locker searches may be conducted by school authorities at any time, without notice, without student consent, and without a search warrant provided that during any such search an administrative employee of the District will be present to witness the search. The Board authorizes administrative employees of the District to conduct locker searches with or without the involvement of the Delaware State Police. In the event a locker search reveals that a student's locker contains items which are prohibited under the Student Disciplinary Code or under Delaware State law, appropriate disciplinary procedures shall be initiated against the student; and in situations where the items discovered are in violation of State law, the Delaware State Police shall be notified.

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure. This right is balanced by the school's responsibility to protect the health, safety and welfare of others. Student lockers are school property; therefore, school authorities have the right to search lockers at any time. Vehicles driven on school property are subject to search by school authorities under condition of reasonable suspicion.

The District presumes a student possesses, and is therefore responsible for, all items in the student's locker, book bag, purse, or similar bag or container used to carry books or personal property. Students should regularly check the contents of personal storage containers. Failure to secure your lockers, book bags, book packs, purses, instrument cases, and other containers does not exempt students from the responsibility or provide others access to them, you remain responsible for any items found inside of them.

The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle or other conveyance. This presumption applies to any vehicle you drive to school without regard to who owns the vehicle. Before bringing a vehicle to school, or a school activity, the student should carefully inspect the vehicle. Failure to lock the vehicle, or permit others access to it, does not exempt from the responsibility for all items found in the vehicle.

Students have the right:

- To privacy regarding their personal possessions, including motor vehicles, unless the Principal or the Principal's designee has reasonable suspicion of a student's use, possession or distribution of alcohol, drugs, drug-like substances, look-alike substances, drug paraphernalia or other prohibited items. This "invasion" of student privacy also applies if there is suspicion of a student's unauthorized possession of other items, which include but are not limited to: weapons, stolen property, or dangerous instruments in the school environment.

Students have the responsibility:

- To exercise caution with respect to what they bring to school
- To refrain from bringing to school, either in plain view or concealed, any materials which are illegal, disruptive, dangerous, or offensive to others.

CHAPTER III ATTENDANCE

See Board Policy 204 ([click here](#))

CHAPTER IV VIOLATIONS OF THE STUDENT CODE OF CONDUCT

This chapter of the Code defines specific acts which constitute violations of expected student behavior. These violations are examples of those acts which disrupt the school environment and the instructional process, or demonstrate that the student presents a threat to the safety and welfare of other students and staff.

NOTE: A teacher or administrator may, at any time required by circumstances, use the reasonable force needed to restrain or control an unruly or rebellious student.

The purpose of this chapter is to provide school personnel, parents, students and the community with a clear understanding of these violations and the resulting range of disciplinary actions. It is anticipated that students' familiarity with the violations and disciplinary measures will encourage positive behavior.

The Code permits administrators and teachers to select from a list of recommended and optional actions or remedies for certain violations. In such cases, the severity and frequency of the misbehavior shall be considered in selecting appropriate disciplinary action. Specific disciplinary actions are required for other certain violations.

The Principal or the Principal's designee shall conduct a reasonable investigation to ascertain whether the charged offense has in fact occurred and to establish facts which may influence the selection of disciplinary action.

CORPORAL PUNISHMENT

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

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

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

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

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

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

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

VIOLATIONS AND DISCIPLINARY ACTIONS

The glossary located at the back of the booklet is not all inclusive. A student committing an act of misconduct which is not listed may be subject to disciplinary action. Specifically, if a student commits an act which constitutes a crime under Delaware law, such a student is subject to discipline which may include expulsion in an appropriate case. Criminal activity outside the school environment can also be cause for disciplinary action by the school District against a student, if the behavior (criminal activity) could reasonably pose a threat to the orderly functioning of the educational process or a danger to the health, safety, and welfare of other students, employees, or school District property.

In a situation involving unique or severe offenses which pose a threat to the orderly functioning of the educational process or which pose a danger to the health, safety, and welfare of other students, employees, or school District property, the building Principal shall refer the matter directly to the Superintendent or his/her designee. The purpose of the recommendation is for the immediate consideration of the possibility of making a recommendation for alternative educational placement and/or expulsion from school, and that the matter be referred to the Board with a recommendation.

If there are required disciplinary actions for a violation, such discipline shall be imposed. In addition to the required disciplinary actions, approved optional disciplinary actions may be imposed by the school Principal following a conclusion that those additional consequences are warranted.

If there are recommended disciplinary actions for a violation, such discipline will be imposed unless there is a compelling reason to do otherwise. In such cases, one or more of the optional disciplinary actions listed for the violation will be imposed.

NOTE: Disciplinary action is required if a threat or attempt to do bodily harm is directed at school personnel or person(s) acting in an official capacity of the school (parent chaperones, volunteers, etc.).

COMBINATION OF OFFENSES

In single instances where more than one violation of the Code occurs prior to disciplinary action given, the student may be dealt with at the highest level and may be given the most severe action allowed for any of the offenses committed.

In separate incidents of violations of the Code, offenses cannot be combined prior to disciplinary action in order to determine the appropriate level and action for the latest offense. Offenses are to be considered separate, except as may be provided elsewhere in this policy. If several separate instances of the same offense occur prior to disciplinary actions, all of the offenses should be processed at the appropriate level of action specified for each violation. This includes bus violations.

MANDATORY SCHOOL CRIME REPORTING LAW

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

The following require mandatory reports to police:

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

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

The following require mandatory report to Department of Education:

- sexual harassment
- offensive touching (nonemployee or school volunteer)
- possession of pornography
- bomb threats
- criminal mischief (vandalism)
- tampering with public records
- possession and/or use of alcohol
- possession and/or use of deadly weapons, destructive weapons, dangerous instruments, incendiary devices or controlled substances

- felony theft (\$1,000.00 or more)
- disorderly conduct/fighting
- terroristic threatening (nonemployee or school volunteer)
- bullying

RESTORATIVE PRACTICES

In the event that students misbehave and do not abide by the principles outlined in the Code of Conduct, The Cape Henlopen School District will use the “Restorative Practices” approach to discipline, pioneered by Ted Wachtel at the International Institute for Restorative Practices (IIRP). Restorative Practices are grounded in “Restorative Justice,” a way of looking at wrongdoing that focuses on repairing the harm done to people and the relationships rather than on punishing offenders. Restorative practices are based on the belief that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them. The most critical function of Restorative Practices is building and restoring relationships. Students, Staff, and Board Members must meet with those they have wronged, explore what happened, and make necessary amends. The Restorative Practices Process can happen in groups as small as three and as large as a whole class.

PRINCIPLES

1. Restorative Practices focuses on harms rather than rules or persons and the consequent needs of victims, offenders, and communities.
2. Restorative Practices addresses obligations of the offender resulting from those harms, as well as the community’s obligations to both victims and offenders.
3. Restorative Practices uses inclusive, collaborative processes.
4. Restorative Practices involves all individuals (victims, offenders, parents, students, & staff) who have a legitimate stake in a given situation.
5. Restorative Practices seeks to put right the wrongs that have been done, so that victims feel safe and valued, and offenders feel restored to the school community.¹

RESTORATIVE DISCIPLINE

1. Acknowledges that relationships are central to the building of the school community.
2. Must establish policies and procedures that address harm and misbehavior in a way that strengthens relationships.
3. Focuses on harms done rather than rules broken.
4. Gives voice to the person who has been harmed.
5. Engages in collaborative problem solving.
6. Empowers change and growth for all involved.
7. Enhances responsibility for actions and attitudes for all involved.²

¹ Amstutz and Mullet (2005). Restorative Discipline for Schools, pp. 25-26

² Amstutz and Mullet, pp. 26-29

The goals of these Restorative Practices are that:

1. Cape Henlopen School District will be a safe, friendly and enjoyable learning environment.
2. Cape Henlopen School District will foster an environment where everyone feels valued, respected, and included.
3. Cape Henlopen School District will be a school where students are motivated to learn and faculty and staff enjoy meaningful and fulfilling work.

THE RESTORATIVE PRACTICE PROCESS

The Restorative Practice Process (RPP) is designed to incorporate the principles, concepts, and goals of restorative practices in practicing discipline. While the process outlined below is designed to provide a “map” for how teachers, students and staff should correct misbehavior, address harm done, and provide an opportunity for offenders to be reincorporated into the school community, all are advised to use their discretion in each individual instance as to what is restorative, respectful, and appropriate in each individual instance. Thus, the RPP outlined below is a guide for decision-making, not a hard and fast set of rules.

THE RESPECT AGREEMENT

At the beginning of the school year, each teacher will lead his/her class in the development of a “Respect Agreement” for the class. The Respect Agreement’s purpose is to have students and teachers agree as to the guidelines for behavior that will create a safe, cooperative, and constructive classroom setting. The Respect Agreement will address the following four areas of behavior: Students respecting themselves and other students; Students respecting teachers and adults in the school; Teachers respecting Students; and Students and Teachers respecting school facilities and equipment. Respect Agreements must also include school rules outlined in this Code of Conduct. Once it is developed, Respect Agreements are posted in a place in the classroom that is visible to all in the room and referred to daily.

IN CLASS ISSUES

As issues of misconduct arise in the class, teachers will seek to handle the misconduct by reminding students of their need to follow school guidelines by offering students constructive interventions [See Step 1 in the Code of Conduct]. If students admit their infraction and immediately seek to correct their behavior, student and teachers will celebrate the resolution of a problem behavior, and the incident will be considered resolved. If the incident involves a single student, the teacher will seek to handle the issue in a one-to-one session with the student. If the infraction involves a group of students or the entire class, the teacher will handle the issue in class using an appropriate method, such as a class circle.

RESPECT AGREEMENT ISSUES

If the teacher’s attempt to use a constructive intervention does not resolve the issue, teacher and students will refer to the class Respect Agreement for guidance. Teachers will remind students of their prior agreement, the reasons behind the Respect Agreement, and how the behavior in question violates that agreement. Students are then invited to discuss the issue until a mutually agreed upon resolution is reached [i.e. Asking the student: “What do you think needs to happen to repair the harm?”].

CONFERENCING AND CIRCLES

If an incident occurs between students of different classes, or attempts to resolve an issue in class has proven unsuccessful, students will be given one of three options:

1. The student may elect to have the teacher decide an appropriate resolution to the incident.
2. Students may request that a School Leader serves as a mediator to work with students or to come to a resolution.
3. Students may choose to work at resolving the issue without a mediator.

If the incident involves a student and a teacher, and an appropriate resolution has not been reached, the teacher can then refer the student to the School Leader for a Restorative Conference. If the incident involves a number of students, the School Leader may choose to hold a restorative circle with students and adults involved in the incident. Who to include in the conference or circle will be up to the discretion of the School Leader.

In the conference or circles, the four restorative questions will be discussed:

1. What happened?
2. What were you thinking at the time?
3. Who has been affected by what you have done? In what way?
4. What do you think you need to do to make things right?³

³ These restorative questions are provided by the International Institute for Restorative Practices, www.iirp.org

When the incident in question inflicted harm on another person, four additional questions will be asked on behalf of the person(s) harmed:

1. What did you think when you realized what had happened?
2. What impact has this incident had on you and others?
3. What has been the hardest thing for you?
4. What do you think needs to happen to make things right?

In the course of discussion, a resolution will be reached, with appropriate consequences for the person committing the offense or inflicting the harm decided by the School Leader, Teacher, and other persons involved. Restorative actions that might be suggested could include the following:

1. Verbal or written apology to person harmed or to community as a whole
2. Community service
3. Action plan for correction of student behavior
4. Notice being sent home to student's parents

The Cape Henlopen School District is committed to restorative measures that support student discipline involving the teaching of acceptable and appropriate behaviors. Restorative Practices does not replace

consequences, rather supports repairing the harm done and making consequences align with the infraction. The following STEPS & Matrices provide detail in regards to possible strategies, interventions, and administrative responses to specific offenses.

ADMINISTRATIVE STRATEGIES, APPROACHES, AND RESPONSES FOR CAPE HENLOPEN STUDENTS

*Restorative Practices required at each STEP [see above section]

PROGRESSIVE ADMINISTRATIVE STRATEGIES, APPROACHES, AND RESPONSES FOR CAPE STUDENTS

STEP 1: Classroom Interventions and Responses

Teachers are encouraged to use culturally responsive restorative practices and classroom management strategies.

All Step 1 interventions should be documented as a Student Note in I-Tracker Pro.

- Restorative Practices – [see previous section]
- Refer to Respect Agreement
- Teacher initiates parent/guardian contact
- Establish positive relationships and rapport with students
- Tier 1 Behavior Interventions [see below examples]
 - Pair or group students in positive peer groups
 - Involve students in an alternate activity
 - Verbal reminder and/or redirection
 - Move to separate instructional area within the classroom
 - Seat change
- Loss of classroom privileges
- Teacher/Student conference outside of class time
- Parent/Teacher conference

STEP 2: Documented Classroom Level Strategies have been ineffective

These interventions involve the school administration and aim to correct behavior by stressing the seriousness of the behavior, while keeping the student in the school/classroom.

A referral and student conference with a school administrator, if necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Teacher initiates parent/guardian contact
- Student Conference
- Step 1 Interventions

Student Due Process required

STEP 3: Appropriate when matrices indicate a Step 3 response

These interventions may involve the short-term removal of a student from the classroom because of the behavior. The duration of any short-term removal is to be limited as much as possible while adequately addressing the behavior.

A referral and student conference with a school administrator is necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Teacher initiates parent/guardian contact
- Mandatory written notification to Parent/Guardian
- Age Appropriate Rest and Recovery – Regulation Time [Elementary]
- Removal from Class – (for only that class period) and/or Detention [Secondary]
- Restitution (for loss or damage, if applicable)
- Loss of privileges
- Student Due Process required

STEP 4: Appropriate when matrices indicate a Step 4 response

These interventions involve the removal of a student from the classroom due to a violation of the Student Code of Conduct.

A referral and student conference with a school administrator is necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Teacher and/or Administration initiates Parent/Guardian contact
- Mandatory written notification to Parent/Guardian
- ½ day In-School Suspension (ISS)
- Loss of Privileges
- Restitution [for loss or damage, if applicable]
- Student Due Process required

STEP 5: Appropriate when matrices indicate a Step 5 response

These interventions involve the removal of a student from the classroom due to a violation of the Student Code of Conduct.

A referral and student conference with a school administrator is necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Teacher and/or Administrator initiates Parent/Guardian contact
- Mandatory written notification to Parent/Guardian
- One day In-School Suspension (ISS)
- Loss of Privileges
- Restitution [for loss or damage, if applicable]
- Student Due Process required

STEP 6: Appropriate when Matrices indicate a Step 6 Response

These interventions involve the removal of a student from the school environment due to a violation of the Student Code of Conduct.

A referral and student conference with a school administrator is necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Administrator initiates Parent/Guardian contact
- Mandatory written notification to Parent/Guardian
- One (1) day Out-of-School Suspension (OSS)
- Loss of Privileges
- Restitution [for loss or damage, if applicable]
- Student Due Process required

STEP 7: Appropriate when matrices indicate a Step 7 response

These interventions involve the removal of a student from the school environment due to a violation of the Student Code of Conduct.

A referral and student conference with a school administrator is necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Administrator initiates Parent/Guardian contact
- Mandatory written notification to Parent/Guardian
- Two (2) days Out-of-School Suspension (OSS)
- Loss of Privileges
- Restitution [for loss or damage, if applicable]
- Student Due Process required

STEP 8: Appropriate when matrices indicate a Step 8 response

These interventions involve the removal of a student from the school environment due to a violation of the Student Code of Conduct.

A Student Success Plan (Behavior Contract) will be required at the 2nd occurrence of any combination of Step 8 offenses. The Student Success Plan will be revised and modified to address continued behaviors, if necessary.

On the 3rd occurrence, in any combination of Step 8 offenses, all students in grades KN-12 must have an FBA/BIP initiated.

A referral and student conference with a school administrator is necessary. Teacher documents in eSchool.

- Restorative Practices – [see previous section]
- Administrator initiates Parent/Guardian contact
- Mandatory written notification to Parent/Guardian
- Three (3) days Out-of-School Suspension (OSS)
- Loss of Privileges
- Restitution [for loss or damage, if applicable]
- Student Due Process required

STEP 9: Appropriate when matrices indicate a Step 9 response

These interventions involve the removal of a student from the school environment due to a violation of the Student Code of Conduct.

Prior to a recommendation for Alternative Placement, all students in grades KN-12 must have either a Student Success Plan (Behavior Contract) or an FBA/BIP initiated and in place. [Offenses which begin at step 9 are excluded]

A referral to the school administrator and school review team is necessary. Administrator documents in eSchool.

- Restorative Practices – [see previous section]
- Administrator initiates Parent/Guardian contact
- Mandatory written notification to Parent/Guardian
- Recommendation for Out-of-School Alternative Program, if applicable
- Five (5) days Out-of-School Suspension (OSS)
- Loss of Privileges
- Restitution [for loss or damage, if applicable]
- Student Due Process required

STEP 10: Appropriate when matrices indicate a Step 10 response

These interventions involve the removal of a student from the school environment due to a violation of the Student Code of Conduct.

A referral to the school administrator and school review team is necessary. Administrator documents in eSchool.

- Restorative Practices – [see previous section]
- Administrator initiates parent/guardian contact
- Building level conference required with teacher/parent/administrator
- Mandatory written notification to Parent/Guardian (Documented)
- Five (5) days Out-of-School Suspension (OSS)
- Suspension may be extended up to ten (10) days with referral for expulsion
- Recommendation for Alternative Placement or Expulsion
- Restitution [for loss or damage, if applicable]
- Student Due Process required

MATRIX OF STRATEGIES, INTERVENTIONS AND ADMINISTRATIVE RESPONSES

Offense/Violation	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Mandatory Police Report
KN - 5	Classroom Interventions	Referral & Conference	Age Appropriate Rest & Recovery	½ day ISS	1 day ISS	1 day OSS	2 days OSS	3 days OSS	5 days OSS &/or optional Alternative Placement Recommendation	5 days OSS and recommended AP or expulsion	
Abusive/Inappropriate Language	●	●	●	●	●	●	●	●			
Academic Cheating	●	●	●								
Acceptable Use Policy/Misuse of Technology	●	●	●	●	●	●	●				
Alcohol Possession & Use						●	●	●			X
Bullying		●	●	●	●	●	●	●			
Criminal Mischief (Vandalism)			●	●	●	●	●				X
Dangerous Instrument(s) – Possession/Concealment/Sale			●	●	●	●	●	●			X
Deadly Weapon(s) – Possession/Concealment/Sale			●	●	●	●	●	●			X
Defiance of School Authority	●	●	●	●	●	●	●				
Disruption of Education Process	●	●	●	●	●	●	●				
Dress Code Violation	●	●	●								
Drug Paraphernalia						●	●	●	●		X
Drug Use/Influence						●	●	●	●		X
Falsification – Verbal	●	●	●	●	●	●	●	●			
Falsification – Written	●	●	●	●							
Felony Theft (\$1500+)						●	●	●	●		X
Fighting					●	●	●	●	●		
Fire Alarm Incident		●	●	●	●	●	●	●			
Gambling – School Violation	●	●	●								
Inappropriate Behavior: Careless & Reckless Behavior	●	●	●	●	●	●	●				
Inappropriate Behavior: Consensual Sexual Misconduct				●	●	●	●				
Inappropriate Behavior: Disrespect towards a Staff Member	●	●	●	●	●	●	●				
Inappropriate Behavior: Disrespect towards a Student	●	●	●	●	●	●	●				
Inappropriate Behavior: Safety Violation (For Mask Violations see Addendum A)	●	●	●	●	●	●	●				
Inhalants						●	●	●	●		X
Instigation	●	●	●	●	●	●					
Insubordination	●	●	●	●	●						
Leaving assigned area without permission	●	●	●	●	●	●	●				
Leaving School Grounds without permission				●	●	●	●				
Loitering	●	●	●	●	●	●	●				
Medications: Inappropriate Possession and/or Use		●	●	●	●	●	●	●	●		X
Offensive Touching Employee Victim				●	●	●	●	●	●		X
Offensive Touching Student Victim				●	●	●	●	●	●		X
Pornography, Possession. & Production					●	●	●	●	●		X
Sexual Harassment				●	●	●	●	●	●		X
State Law Reportable Offenses									●	●	X
Stealing	●	●	●	●	●	●	●	●			
Terroristic Threatening Employee Victim						●	●	●	●		X
Terroristic Threatening Student Victim						●	●	●	●		X
Tobacco/Vaping Possession and/or Use			●	●	●						X
Unauthorized Use of Cell Phone	●	●	●	●	●						
Unauthorized use of Electronic Device	●	●	●	●	●						
Under 12: Assault III Employee Victim								●	●	●	X
Under 12: Assault III Student Victim								●	●	●	X
Under 12: Unlawful Sexual Contact III Employee Victim								●	●	●	
Under 12: Unlawful Sexual Contact III Student Victim								●	●	●	
Unsafe Item	●	●	●	●	●	●	●				

1. Students must make restitution for repairs or replacement of damaged or stolen property.
2. Students who are suspended will be restricted from participating in a variety of activities.
3. Many of the offenses listed above are also violations of Delaware State laws and are subject to prosecution.
4. The corrective actions listed above will normally be used for each offense. Other alternatives may be used in place of, or in addition to, the specific one(s) listed above, should circumstances warrant or the student require accommodations. Flagrant infractions will result in more severe consequences.
5. A counseling component may be added to any consequences as determined by appropriate staff. Special needs students may require a Functional Behavior Analysis.

Age Appropriate for Students in Grades K-5

■ Mandatory Reporting in eSchool

MATRIX OF STRATEGIES, INTERVENTIONS AND ADMINISTRATIVE RESPONSES

Offense/Violation	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Mandatory Police Report
Grades 6 – 12	Classroom Interventions	Referral & Conference	Classroom Removal &/or detention	½ day ISS	1 day ISS	1 day OSS	2 days OSS	3 days OSS	5 days OSS &/or opt. Alternative Placement Recommendation	5 days OSS & recommended AP or expulsion	
Abusive/Inappropriate Language	●	●	●	●	●	●	●	●			
Academic Cheating		●	●								
Acceptable Use Policy/Misuse of Technology	●	●	●	●	●	●	●				
Alcohol Possess. & Use									●		X
Bullying					●	●	●	●	●		
Code of Conduct Violations: Repeated (5+)						●	●	●	●	●	X
Crim. Mischief (Vandalism)			●	●	●	●	●	●	●	●	X
Dangerous Instrument(s) – Possession/Concealment/Sale								●	●	●	X
Deadly Weapon(s) – Possession/Concealment/Sale									●	●	X
Defiance of School Authority	●	●	●	●	●	●	●				
Disruption of Education Process	●	●	●	●	●	●	●				
Dress Code Violation	●	●	●	●	●						
Drug Dealing										●	X
Drug Paraphernalia									●	●	X
Drug Use/Influence									●	●	X
Falsification - Verbal		●	●	●	●	●	●	●			
Falsification - Written		●	●	●	●	●	●	●			
Felony Theft (\$1500+)									●	●	X
Fighting									●	●	X
Fire Alarm Incident						●	●	●			
Gambling - School Violation	●	●	●	●	●						
Inappropriate Behavior: Careless & Reckless Behavior	●	●	●	●	●	●	●				
Inappropriate Behavior: Consensual Sexual Misconduct					●	●	●				
Inappropriate Behavior: Disrespect towards a Staff Member		●	●	●	●	●	●				
Inappropriate Behavior: Disrespect towards a Student	●	●	●	●	●	●					
Inappropriate Behavior: Safety Violation (For Mask Violations see Addendum A)	●	●	●	●	●	●	●				
Inappropriate Behavior: Violation of Behavioral Contract					●	●	●	●	●		
Inhalants						●	●	●	●		X
Instigation					●	●	●	●	●		
Insubordination		●	●	●	●						
Late to Class/School/Unexcused Tardy to School	●	●	●	●	●						
Leaving assigned area without permission	●	●	●	●	●	●	●				
Leaving School Grounds without permission					●	●	●				
Loitering	●	●	●	●	●	●	●				
Medications: Inappropriate Possession and/or Use		●	●	●	●	●	●	●	●		X
Offensive Touching Employee Victim									●	●	X
Offensive Touching Student Victim					●	●	●	●	●	●	X
Pornography, Possession & Production					●	●	●	●	●	●	X
Report: Attorney General (off-campus offenses only)		●	●	●	●	●	●	●	●	●	X
Sexual Harassment						●	●	●	●	●	X
Skiping Class			●	●	●	●					
State Law Reportable Offenses									●	●	X
Stealing	●	●	●	●	●	●	●	●	●	●	
Tampering w/ Public Record					●	●	●	●	●	●	X
Tardiness (Unexcused) to School/ Late to Class	●	●	●	●	●						
Teen Dating Violence								●	●	●	X
Terroristic Threatening Employee Victim									●	●	X
Terroristic Threatening Student Victim									●	●	X
Tobacco /Vaping Possession and/or Use					●	●	●				X
Trespassing - School Violation					●	●	●	●	●	●	
Unauthorized Use of Cell Phone		●	●	●	●						

Cape Henlopen School District Code of Conduct

Unauthorized use of Electronic Device	●	●	●	●	●						
Under 12: Assault III Employee Victim								●	●	●	X
Under 12: Assault III Student Victim								●	●	●	X
Under 12: Unlawful Sexual Contact III Employee Victim									●	●	X
Under 12: Unlawful Sexual Contact III Student Victim									●	●	X
Unsafe Driving			●	●	●	●					
Use of Profanity	●	●	●	●	●						
<ol style="list-style-type: none"> 1. Students must make restitution for repairs or replacement of damaged or stolen property. 2. Students who are suspended will be restricted from participating in a variety of activities. 3. Many of the offenses listed above are also violations of Delaware State laws and are subject to prosecution. 4. The corrective actions listed above will normally be used for each offense. Other alternatives may be used in place of, or in addition to, the specific one(s) listed above, should circumstances warrant or the student require accommodations. Flagrant infractions will result in more severe consequences. 5. A counseling component may be added to any consequences as determined by appropriate staff. Special needs students may require a Functional Behavior Analysis. 											

Age Appropriate for Students in Grades 6-12

Mandatory Reporting in eSchool

CHAPTER V

SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS DUE PROCESS

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

1. Be given oral and written notice of the alleged offense and, if the offense is denied, be given an explanation of the evidence known to school authorities.
2. Be given the opportunity to present the student's side of the story. Students have the right to submit a statement in writing concerning any incident requiring discipline action, but are not required to do so. Reasonable efforts will be made to notify parents/guardians of students making written statements.
3. Have had prior opportunity to know that the alleged offense was in violation of established rules and regulations.
4. In cases of suspension, be advised that the disciplinary response may be appealed by students 18 years of age or older and/or parents to the next administrative level, District Office, or State Board of Education (SBE)

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

STUDENT APPEAL

A student appeal may be presented when a student or the student's parent believes that the student has been treated unfairly. A student appeal must be submitted to the building Principal within ten school days from the date of the alleged infraction.

An appeal may be presented by a student or a student's parent(s)/guardian(s). An appeal may involve the treatment of a student or it may relate to the treatment of a group of students.

Students shall not be disciplined pending the outcome of the appeal, except students whose presence poses a continuing danger to persons or property or is an ongoing threat of disrupting the educational process will be suspended pending the outcome of the appeal. If an initial ruling to suspend is overturned via the appeal process, the student's discipline record will be expunged of the incident. No academic penalty will have ensured by virtue of the suspension because a suspended student is allowed, and expected, to complete the work missed during the term of the suspension.

STUDENT APPEAL PROCEDURE

When the appeal procedure is used for a disciplinary action, the student shall follow the steps outlined below starting with Step 3. The conference indicated in Step 3 refers to the conference held between the student and disciplinarian in which a consequence for a given action has been determined by the disciplinarian.

When the appeal procedure is used for something other than a disciplinary action, the following steps shall be pursued in the sequence set forth below:

1. The student, whenever possible, shall request a conference with the teacher or person(s) who allegedly treated the student unfairly. It is understood that there are occasional sensitive situations where discussions may begin with level two of this process. If the student's concern is with the Principal, this process may begin at level four.
2. If the conference does not resolve the complaint, the student may talk with any of the following: the department chairperson, a guidance counselor, a home/school liaison, school psychologist, or an Assistant Principal about resolving the complaint.
3. If the conferences fail to resolve the complaint, the student may file a written appeal with the Principal within five (5) school days of the conference.
4. If the Principal fails to resolve the complaint, the student shall, upon request, be given a written statement by the Principal stating the reason(s) for the decision. The request for the written statement will be made within five (5) school days of receipt of the verbal decision and will be provided to the student within five (5) school days of the date of the request.

The student wishing to appeal the Principal's decision must file a written appeal with the Superintendent no later than five (5) school days from the date of the Principal's written decision.

The Superintendent, or a designee, shall schedule a conference to hear the appeal no later than five (5) school days following receipt of the notice of appeal, and shall render a decision, in writing, no later than five (5) days after the appeal conference. The decision of the Superintendent is final.

IN-SCHOOL SUSPENSION

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

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

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

OUT-OF-SCHOOL SUSPENSION

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

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

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

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

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

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

STUDENT HEARING PROCESSES & PROCEDURES

ALTERNATIVE PLACEMENT

Assignment to alternative programs is the removal of a student from the regular school program with placement in a program designed to meet the student's particular needs. Alternative programs may be located at the student's home school, another district school, or an approved site outside the District. Assignment to an available alternative program will be made according to procedures established for the program and must be approved by the District Alternative Placement Team.

SCHOOL REVIEW TEAM CONFERENCE

School Review Team Conference will be set by the school disciplinarian and appropriate school administrators, and notification will be provided to the student's parent and the student. To recommend Alternative Placement, the following criteria must be met:

1. The meeting will be held in person or via virtual platform.
2. The Principal/Designee will explain the purpose of the meeting is to inform the parent/guardian and student:
 - a. of the referral for Alternative Placement;
 - b. that the student may be suspended pending the outcome of the Alternative Placement Team Meeting, and;
 - c. of the procedures that will take place as follow-up to the referral for Alternative Placement.

After the school has held a School Review Team Meeting and forwarded all required documentation to the district, a Central Team Meeting will be scheduled with the Superintendent & Administrative Designee..

The Superintendent/Designee shall send written notice within three (3) business days to the parent/guardian describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

DISTRICT-LEVEL EXPULSION HEARING

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

Step I

1. The student shall be suspended for a minimum of five (5) school days.
2. The principal or designee shall make every effort to investigate all aspects of the discipline problem, including a conference with the student of the charges against him/her and to provide an opportunity to respond and to tell his/her side of the story. If possible, this conference shall be held prior to the student's suspension.
3. The principal or designee shall complete the investigation within three (3) school days of the incident.
4. If at the completion of the investigation the principal or designee concludes the student committed the offense and the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit the recommendation to the Superintendent. The recommendation must be accompanied by a summary of the principal's investigation and supported with other documentation attesting to supporting the violation.
5. If the Superintendent or designee does not concur with the recommendation for expulsion, alternative education placement may be issued to the student. The student and parent/guardian will be provided notification of alternative placement of which is not appealable to the Board of Education.
6. If the Superintendent or designee concurs with the recommendation for expulsion, the student's case will proceed to Step II. In addition, the student's suspension shall be extended pending a recommendation by the hearing officer as outlined in Step II of the hearing process.

Step II

1. The Superintendent or designee shall promptly (preferably within ten (10) school days from the date of the incident) notify the student and the student's parent(s)/guardian(s) of the recommendation to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion. For students with disabilities as defined by Federal and State law and regulations, the Superintendent or designee shall, within ten (10) school days from the date of the manifestation meeting, notify the student and the student's parent(s)/guardian(s) of intent to expel and of the date, time, and location for a formal hearing. The notice of recommendation to expel shall be sent by certified mail, stating the reasons for the expulsion and the time and place of the hearing. In addition, a copy of these procedures and the District Student Success Guide shall accompany the notice.
2. The formal hearing shall be held not less than seven (7) or more than twenty (20) school days promptly after the notice of intent to expel is given. An extension may be granted by agreement of all parties.

3. An impartial hearing officer shall conduct the formal hearing.
4. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The hearing officer, in conducting the hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witnesses shall be sworn by the hearing officer.

The student shall have the following rights:

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

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

Step III

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

Step IV

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

NOTIFICATION OF EXPULSION TO DIVISION OF MOTOR VEHICLES

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

STUDENTS WITH DISABILITIES

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

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

CONDUCT OF STUDENTS OUT OF SCHOOL

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

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

The Superintendent is notified by the Attorney General's office and/or law enforcement authorities whenever a student is arrested for committing a misdemeanor or a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be

reviewed. The District may take disciplinary action as outlined above. The District will not wait for adjudication of said misdemeanor or felony to proceed with alternative placement or expulsion procedures. A finding of “not guilty”, nolle prosequere or dismissal of charges is not binding on the school district.

It is in the interest of the student concerned that there is a review of the case and that there is a means to assist in exploring educational options if needed. The review shall occur in accordance with the safeguards and consequences in the student codes of conduct. Please refer to the appropriate code of conduct for additional information including due process rights and possible options which may include alternative placement, suspension, and/or expulsion.

Students who are of school age, living within the District, and who are currently withdrawn from school will be subject to the provisions of this policy.

CHAPTER VI DRUG AND ALCOHOL POLICY

The following policy on the Possession, Use, or Distribution of Drugs and Alcohol shall apply to all schools/programs:

1. The possession, use, and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, and/or drug paraphernalia are wrong and harmful to students and are prohibited within the school environment.
2. Student lockers are the property of the school and may be subjected to search at any time with or without suspicion.
3. Student motor vehicle use to, and in, the school environment is a privilege which may be extended by school districts to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession, or distribution of alcohol, a drug, a drug-like substance, a look-alike substance or drug paraphernalia, or of a student's use of an electronic communication device during the school day may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search and will result in loss of the privilege to bring the vehicle on campus.
4. All students are responsible for their own actions. Students who are 18 years or older will be treated as adults for the purposes of reporting violations of this policy and of the law to the police. Such students shall also be on notice that their parents and/or guardians will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.
5. All alcohol, drugs, drug-like substances, look-alike substances, and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or Designee. All substances shall be sealed and documented and, in the case of substances covered by Title 16 Delaware Code Ch. 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate. All communication devices shall be confiscated and turned over to the Principal or Designee who will bag, seal, and document the device as potential evidence for the police. If the police do not want to keep it as evidence, the Principal/Designee shall either donate the device to the State or local police or destroy the device within 45 days after the informal hearing. In rare instances, donation or destruction may not be warranted; in such cases, the Superintendent of the District shall notify the State Board of Education in writing of the circumstances of the disposition of the device.

The following definitions shall apply to this policy:

1. **"Alcohol"** shall mean alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine and beer.
2. **"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.
3. **"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.

4. **“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.
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, and caffeine pills.
6. **“Expulsion”** shall mean exclusion from school.
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 Title 16 Delaware Code Sec. 4752A.
8. **“Nonprescription medication”** shall mean any over-the-counter medication; some of these medications may be a “drug - like substance.”
9. **“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.
10. **“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 of and knowledge of the whereabouts of, alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia.
11. **“School environment”** shall mean within or on school property and/or at school buses, at functions held on school grounds, at extracurricular activities held on and off school grounds, on field trips, and at functions held at the school in the evening.
12. **“Use”** shall mean that a student is reasonably known to have ingested, smoked, or otherwise assimilated alcohol, a drug or a drug-like substance, or is reasonably found to be under the influence of such a substance.

The following regulations shall apply to this policy:

1. Each year all students shall have access to an updated Student Code of Conduct that contains the state and district drug and alcohol policies and regulations to be shared with their parents.
2. The state and district policies shall apply to all students except that with respect to students with disabilities, federal and state law will be followed. A determination of whether the violation of the drug and alcohol policy was due to the student’s disability will be made prior to any discipline or change of placement in connection with the policy.
3. Staff members will report incidents to the Assistant Principal/Designee who will verify the identity of the student and the probable cause that a policy violation has been committed. The Assistant Principal/Designee where required will report the incident to the police and will file a report to be sent to the Department of Education. Parents will be notified as quickly as possible via the telephone. If telephone contact cannot be made, a letter will be sent home. Records will be maintained in a separate discipline file, and confidentiality will be followed. Names and details of any particular incident will be revealed only to those staff persons who are required to know the specific information.
4. Any physical evidence of a policy violation will be submitted to the Assistant Principal/Designee. Assistant Principal/Designee will document the date, time, and description

of the evidence and the name(s) of the student(s) involved. Evidence will be locked in a secure area determined by the Assistant Principal/Designee and submitted to the police upon their arrival.

5. General searches of the property of a student may be conducted by the Assistant Principal/Designee at any time upon reasonable suspicion.
6. All prescription and over-the-counter non-prescription drugs shall be presented to the school nurse upon entering the school building. The nurse will be responsible for dispensing those drugs to the students until they leave at the end of the school day. Any of these drugs not submitted to the school nurse will be considered in violation of this policy. When necessary, individual students may be permitted to carry a prescription drug after submitting written notification from a physician and obtaining approval from the Principal/Designee.
7. The discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of others. Such out-of-school conduct shall include, but is not limited to, the sale, transfer, or possession of drugs which would constitute an offense punishable by law.
8. Students expelled from school must petition the District Board of Education for readmission. Evidence must be provided of having received appropriate related services pertinent to the expulsion offense.

THE STUDENT OPTION FOR DRUG AND/OR ALCOHOL TREATMENT

When a student in the Cape Henlopen School District is referred by a school administrator for an expulsion hearing due to the use/possession of drugs and/or alcohol, it is possible for additional disciplinary action to be waived by the Board of Education.

To obtain a waiver certain conditions must exist:

1. The student must never have been before the Board of Education due to use or possession of drugs and/or alcohol.
2. The school must have a reasonable expectation the student will not be involved with drugs and/or alcohol again while a student in the Cape Henlopen School District.

This agreement is between the Cape Henlopen School District, student, and parent(s)/guardian(s). It will remain in effect as long as the student is enrolled in the Cape Henlopen School District. If suspension of action by the school district is granted it is understood that another violation of the drug/alcohol policy will result in an administrative removal of the student from school without the possibility of a waiver, and expulsion will be recommended. If a waiver is granted, certain conditions will apply. These conditions are:

1. There will be no further major violations of the policies of the Cape Henlopen School District.
2. The student shall participate in a substance abuse program at an agency such as Aquila or other programs which are approved by the Administrator of Student Services of the Cape Henlopen School District.
3. The student shall abide by all policies of the Cape Henlopen School District including, but not limited to, discipline and attendance.
4. The student and the student's parent(s)/guardian(s) authorize the release of all student information in the school district's possession to the agency providing counseling to the

student. It is also agreed that the counseling agency be authorized to notify the Administrator of Student Services regarding student success in completing the counseling program.

5. The student shall request in writing readmission, and shall describe all personal improvements from counseling and other services.
6. The student is under a suspension pending expulsion and cannot enroll in another district during the recommended period.
7. The student must sign the Student Option for Drug and/or Alcohol Treatment agreement.

Any student who believes he/she has a problem with drugs or alcohol may request help from school personnel who will offer assistance and assessment and/or may identify appropriate outside resources without penalty, unless a violation of the policy has occurred. No record of the request will be made by the administration. In cases involving student assistance, costs for such treatment are the responsibility of the parent/guardian, but the school administration will be an active partner at the parent(s)/guardian(s) request in securing help that is either low in cost or without charge. The Board of Education is committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs and other related activities. As one part of this program each year, this policy will be reviewed by the school administration, at the beginning of the school year, with the total student body. In addition, this policy will be reproduced and distributed to each District family with students in school. The Board has also designated the school nurse and/or psychologist in the District elementary school and guidance counselors and/or psychologists in the secondary schools as the professionals to which staff can refer students to receive initial counseling and to obtain information or counseling/treatment services available to the students. Issues involving student rights to services and confidentiality should be directed to the school principal. Each school contact person will keep a directory of available community and school resources for counseling and substance abuse treatment. The contact person will keep staff updated with regard to awareness of the available resources and will help encourage students to seek support and assistance.

ADMINISTRATIVE REFERRALS

Listed consequences will be in effect regardless of whether the violation is a first violation or a subsequent violation.

* Denial of bus transportation will be an option only when the violation is a bus referral.

HARASSMENT

Sexual harassment or harassment/misconduct by students based upon race, national origin, disability, religion, gender, gender identity, sexual orientation, or other prohibited characteristics is prohibited. The Cape Henlopen Board of Education believes that all persons are entitled to a safe environment where individual rights are protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policies on sexual harassment and harassment/misconduct based on race, national origin, disability, religion, gender, gender identity, sexual orientation, or other prohibited characteristics have been adopted.

SEXUAL HARASSMENT BY DISTRICT STUDENTS

See Board Policy 222 ([click here](#))

HARASSMENT OR MISCONDUCT BY STUDENTS BASED UPON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION, GENDER, GENDER IDENTITY, SEXUAL ORIENTATION, OR SIMILAR CHARACTERISTIC

See Board Policy 223 ([click here](#))

POSSESSION OF FIREARMS

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

DRUG, ALCOHOL, AND STEROIDS

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

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

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

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

Therefore, the following rules and regulations have been developed:

1. Any student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance, alcohol, a look-alike substance and/or drug paraphernalia while on school

property or at school-related activities will be subject to the Code of Conduct's disciplinary matrix. The investigation leading to the recommendation for discipline will be conducted at the school level by the discipline team led by the Principal or designee.

The school recommendation will be reviewed at the District level. In cases involving special education students, the Board may, at its discretion, waive a hearing and accept the recommendation of the Child Study Team of the particular school.

2. Discipline shall be in accordance with due process rights and on the evidence presented by the administration. The student will be expelled for a term not to exceed one (1) calendar year from the date of the decision. The District will assist the family in exploring alternative educational options for the expelled student upon the request of the student and/or his/her parent/guardian. Students desiring credit for alternative education courses toward a high school diploma must have prior approval from the Cape Henlopen School District.
3. All violations of this policy are to be immediately reported to the school Principal who will verbally notify the student's parent(s)/guardian(s) of the investigation. In all cases, The Youth Aid Division of the Delaware State Police will also be contacted. At all times the student's due process rights and confidentiality rights are to be respected but after an informal meeting with the student, the Principal has the authority to suspend the student for up to ten (10) school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(s)/guardian(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the District Office (To the Administrator Designee/Superintendent)

If the violation will result in a recommendation for expulsion, the appropriate director will notify the student's parent(s)/guardian(s) in writing and identify the time and place of the student's hearing. This hearing should be held within ten (10) school days from the beginning of the student(s) suspension. If an exception is made to the timeline, the school Board will provide homebound instruction to the student until such time as the Board or its hearing officer can convene to hear the student's case.

4. All alcohol, drugs, drug-like substances, like-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or designee and be made available for identification. All substances shall be sealed and documented and turned over to the police as potential evidence. A request for analysis shall be made where appropriate.
5. Students are responsible for their own actions. Students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student's actions in accordance with this policy.
6. Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, shall be suspended from school for a minimum of five (5) days and suspended also from all participation in extracurricular activities, including sports and marching bands, for the remainder of the school year. Any student who violated the above policy more than one (1) time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and marching band, for one (1) calendar year from the date of the second incident. This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Cape Henlopen School Board. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Cape Henlopen School

District's Discipline Policy. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are:

- a. Those prescribed to a student by a licensed provider, or
- b. Those which can be purchased over the counter for which the student has written permission from his/her parent or guardian

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

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

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

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

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

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

NON-CONTROLLED SUBSTANCES

The act of possessing or transferring a drug-like or look-alike substance (includes all substances which fall under the definition set forth in the Uniform Controlled Substance Act 16 Del. D. 4701 et seq.) shall constitute intent to use, possess, or distribute if any of the following conditions is present:

- the express representation that the substance is a controlled substance; or the express representation that the substance is of such nature or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substances; or
- circumstances which would lead a reasonable person to believe that the substance was a controlled substance.

It is prima facie evidence of such circumstances if any two of the following factors are established:

- the noncontrolled substance is packaged in a manner normally used for illegal delivery substances;
- the delivery or attempted delivery included an exchange or demand for money or other valuable property as consideration for delivery of the substance, and the amount of such consideration was substantially in excess of the reasonable value of the non-controlled substance;
- the physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.

Once intent to use, possess, or transfer a noncontrolled substance as a controlled substance is established, refer to discipline matrix for appropriate penalties.

BULLY PREVENTION POLICY

See Board Policy 224 ([click here](#))

Suspected/Alleged Bullying Report form ([click here](#))

See Bullying Prevention:

State of Delaware Department of Justice
School Crime Ombudsman
800.220.5414

The purpose of the Ombudsman is to ensure the proper administration of the school criminal offense reporting law contained in Section 4112 of this Title

ANTI-HAZING

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

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

GANG RELATED ACTIVITIES

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

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

SCHOOL-POLICE RELATIONSHIPS

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

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

1. All felonies.
2. Serious assaults when any weapon is used.
3. Report of explosives, knives, firearms, ammunition, fireworks or blasting caps being brought into school.
4. Narcotic offenses or allegations; drinking.
5. Indecent assaults on students or staff.
6. Rape or assault with intent to rape.
7. Morals offenses (pornography, exhibitionism, voyeurism).
8. Organized gambling (numbers and pools).
9. Neglect or abuse of children.
10. Contributing to the delinquency of minors.
11. Loitering on or near school property.
12. Unknown persons parked near schools at the time students are going to and from school.
13. Reckless driving and traffic hazards endangering lives of school children.
14. Telephoned threats to the school.
15. Arson, attempted arson, or suspicion of arson.
16. Rumors or observations of gang rivalries or activities.
17. Reports of promiscuity or incest.
18. Evidence of threats or intimidation.
19. Larceny involving the personal property of school personnel.
20. Larceny involving school equipment.
21. Burglary and attempted burglary of school buildings.
22. Malicious mischief and school vandalism.

23. Trespassing on school property.

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

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

CHAPTER VII

BUS POLICY

K-12 BUS POLICY as it applies to the high school (*Board Adopted Code of Conduct*)

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

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

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

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

CHAPTER VIII

ACADEMICS

CORRESPONDENCE COURSES

The State of Delaware allows a student to take credits outside the normal school courses. Thus, a student may take correspondence courses through an approved accredited correspondence school. Information and limitations regarding these courses may be obtained by contacting the guidance counselor. All final examinations for correspondence courses must be taken by May 5 if the course is required for graduation.

HONOR ROLL (Grades 7-12)

All courses taken during the nine-week marking period will count for the Honor Roll. For a student to be eligible for the First Honor Roll, a scholastic average of 93 with no grade below 85 for all courses taken (except Driver Education and those courses not given a numerical grade) during the 9 weeks will be the minimum accepted. To make the Second Honor Roll, a scholastic average of 85 (with no grade below 75) must be achieved for all courses taken.

HONOR SOCIETY

Each Cape Henlopen secondary school is an accredited member of the National Honor and National Junior High Honor Society. Membership into the Honor Society is limited to those students who have demonstrated outstanding qualities of scholarship, citizenship, service, leadership and character.

- **SCHOLARSHIP** is defined as maintaining a grade-point average of 90 and above. In order to be considered for membership, a student must achieve an average of 90 in all subjects, and the student must maintain an average of 88 in all subjects to remain a member in good standing in the Society.
- **CITIZENSHIP** is basically a concept of participation and may be assessed in terms of attitudes regarding freedom, justice, patriotism and respect for fellow human beings. Because concepts of citizenship are developed during adolescent years, participation in scouting, the Red Cross, school clubs and similar organizations may be considered as valid factors. Citizenship is also demonstrated through proper respect for peers and attitude regarding school, school property, faculty, community and country.
- **SERVICE** is defined in terms of performance. Valid questions for service are: What contributions has the candidate made to school, classmates and community? What is the student's attitude toward service? Is the student willing to sacrifice time to work for class, club or other school projects?
- **LEADERSHIP** is highly regarded in candidates. Students can demonstrate leadership qualities by taking the constructive lead in class work, actively participating in class, inspiring positive behavior in others, demonstrating academic initiative, being dependable and reliable, and successfully holding school offices or other positions of leadership.
- **CHARACTER** is the most difficult area to define. Character traits such as honesty, responsibility, fairness, courtesy, tolerance and cooperation should be in evidence. Candidates should not have a record of discipline referrals, unexcused tardies and lack of responsibility, including lost books, lost or damaged library books, cheating, lying and copying homework.

HONOR SOCIETY SELECTION PROCESS

The student must have a cumulative grade point average of at least 90% at the end of the first semester of the sophomore year. This earns the student a place on the eligibility list prepared by the guidance department. Those students on the list are eligible to apply for membership if desired. Freshmen are not eligible. Juniors or seniors who attain a 90% cumulative GPA or better are eligible to apply for membership.

The honor society advisor sends each eligible student a letter and an application via the first period teacher. The letter must be signed by the student and parent or guardian. The application and letter are to be returned to the advisor by the designated deadline. Late returns will not be considered unless the advisor has been contacted prior to the deadline and informed of extenuating circumstances. Applicants should prepare their applications carefully and turn them in on time.

Cape Henlopen staff receives packets of information listing the students who have applied and copies of the national guidelines reminding them of the characteristics necessary for consideration. Evaluators have access to the information provided by the student application. Each staff member evaluates only those students they are working with during the current school year.

Those teachers, coaches, and guidance counselors that work with the student evaluate the student on a scale of 1 to 4 for scholarship, leadership, character, and service. Each evaluator is required to return the packets to the advisor by a designated date.

The advisor averages each student's recorded scores and arranges the results from highest to lowest. The honor society committee meets to decide which students are accepted into the honor society that school year.

Those accepted receive a letter of welcome into the honor society and instructions for the scheduled induction. At the induction, each member is pinned by a current member. Each member and inductee is expected to attend the ceremony. The advisor must be notified if there is some emergency that prevents attendance at the induction.

POSTERS

All posters and other written material for display purposes must be approved by the principal. Groups or individuals may not circulate written material to the students without such approval in advance.

PROMOTION POLICY

GRADES 9-12 CLASSIFICATIONS

Freshman:	Successful completion of required grade 8 courses for promotion
Sophomore:	Have earned at least six (6) credits including: One (1) credit in English; one (1) credit in Mathematics; one (1) credit in Science; one (1) credit in Social Studies;
Junior:	Have earned at least thirteen (13) credits including: Two (2) credits in English; two (2) credits in Mathematics; two (2) credits in Science; two (2) credits in Social Studies; one (1) credit in World Language; one (1) credit in Career Pathway;
Senior:	Have earned at least twenty (20) credits including: Three (3) credits in English; three (3) credits in Mathematics; three (3) credits in Science; three (3) credits in

Social Studies; one (1) credit in a World Language; two (2) credits in Career Pathway.

See Board Policy 215 ([click here](#))

Credits for courses completed in programs recognized by the State Department of Public Instruction may be counted in fulfilling credit requirements for graduation. Students who earn a diploma will be certified as having achieved the following:

- fulfillment of attendance requirements mandated by the State and Cape Henlopen Boards of Education
- fulfillment of graduation requirements as outlined above.

Credits for courses completed in programs recognized by the State Department of Public Instruction may be counted in fulfilling credit requirements for graduation. The validity of all such courses completed and recorded prior to a student's transfer in to the district, and all such courses taken and completed by a student while officially enrolled in Cape Henlopen High School, must be approved by the Cape Henlopen School District. In the latter case, prior approval shall be required.

Cape Henlopen High School students who are selected by organizations to study abroad or to take part in a special project or workshop in the United States (approved by the Cape Henlopen School District in advance) and satisfactorily complete the requirements, as verified by the host school, shall be considered students in good standing. All courses completed by the students in this category will be counted both toward graduating and in the computation of their scholastic averages.

Special Education Students - To be promoted to the next grade level, special education students must have demonstrated reasonable progress toward meeting the goals of their individual educational plans (IEP). Such progress and the consequent promotion/retention decision will be determined by the school child study team and approved by the school principal who will consider adjustment and other factors.

SCHEDULE CHANGES: CHHS

A course selected after careful study and discussion with teachers, counselors, parents/guardians should require NO CHANGES other than for an extraordinary reason, unforeseen at the time of selection. A student-initiated change request must be started no later than five (5) days after the beginning of the semester. All schedule changes of first semester and full-year courses must be completed by the end of the second full week of the first semester. All schedule changes of second semester courses must be completed by the end of the first week of the second semester.

The deadline for withdrawal from a course is the Friday of the week of the first Interim Report; students who withdraw by the deadline will have no record of the course on their permanent records. Students who withdraw after the deadline will receive a "WD" (withdraw) for the final grade. This "WD" will remain on their permanent records.

**CHAPTER IX
STUDENT ACTIVITIES AND ATHLETICS**

ATHLETIC AND EXTRACURRICULAR ELIGIBILITY

See Board Policy 123 ([click here](#))

PER DIAA RULE BOOK A STUDENT IS NOT ELIGIBLE

Student Eligibility – Refer to DIAA Rule Book

ATHLETIC CODE OF ETHICS

Code for Interscholastic Athletics:

The School Administrator and Athletic Director shall:

1. Encourage and promote friendly relationships and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by acquainting students and others in the community with ideals of good sportsmanship and by so publicizing these concepts and attitudes that all members of the school community will understand and appreciate their meaning.
2. Review with all athletic staff the Sportsmanship Rule.
3. Insist upon implicit compliance with all rules and regulations of the Delaware Secondary School Athletic Association.
4. Insist upon adequate safety provisions for all activities for both participants and spectators.
5. Encourage all to judge the success of the athletic program on the basis of the attitude of the participants and spectators rather than on the basis of the number of games won or lost.
6. Insist that all participants exemplify the highest standards of good sportsmanship as a means of ensuring desirable spectator attitudes.
7. Provide adequate hygienic, sanitary and attractive facilities for the dressing and housing of visiting teams and officials.

The Spectator shall:

1. Realize that s/he represents the school just as definitely as does the member of a team and, therefore, has an obligation to be a true sportsman, encouraging through this behavior the practice of good sportsmanship by others
2. Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill and outstanding examples of sportsmanship and fair play exhibited by either team
3. The following are some examples of poor sportsmanship which shall not be tolerated:
 - a. Profanity, vulgarity, obscene gestures, abusive language and/or derogatory remarks
 - b. Throwing objects
 - c. Going to the floor or field and interrupting a contest
 - d. Use of alcohol or other controlled substances

4. Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them
5. Treat visiting teams and officials as guests, extending to them every courtesy
6. Be modest in victory and gracious in defeat

Participants (Athletes and Cheerleaders) shall:

1. Have a responsibility for the perpetuation of interscholastic athletics. Work to enhance the image of athletics not only as a team member but also as a school and community citizen.
2. Be courteous to visiting teams. Your opponents wish to excel as much as you do; respect their efforts.
3. Play to the limit of your ability, regardless of discouragement. The true athlete does not give up, nor do they quarrel, cheat, bet or grandstand.
4. Be modest when successful and gracious in defeat. A true sportsman does not offer excuses for failures.
5. Understand and observe the standards of eligibility and the rules of the game.
6. Respect the integrity and judgment of officials and accept their decisions without questions.
7. Respect the facilities of host schools and the trust entailed in being a guest.

The coach shall:

1. Demonstrate high ideals, good habits and desirable attitudes in personal and professional behavior and demand the same standards of the players.
2. Recognize that the purpose of competition is to promote the physical, mental, social, and emotional wellbeing of the individual players and that the most important values of competition are derived from playing the game fairly.
3. Be a modest winner and a gracious loser.
4. Maintain self-control at all times, accepting adverse decisions without public display of emotion or of dissatisfaction with the officials.
5. Register disagreement through proper channels.
6. Employ accepted educational methods in coaching, giving all players an opportunity to use and develop initiative, leadership and judgment.
7. Pay close attention to the physical condition and wellbeing of players, refusing to jeopardize the health of an individual for the sake of improving his/her team's chances to win.
8. Teach athletes that it is better to lose fairly than to win unfairly.
9. Discourage gambling, profanity, abusive language and similar violation of the true sportsman's code.
10. Refuse to disparage an opponent, an official, or others associated with sports activities and discourage student athletes under his/her immediate care.

The Official shall:

1. Know the rules and their interpretations and be thoroughly trained to administer them.
2. Maintain self-control under all conditions.

3. Do not make gestures or comments that will embarrass the players or coaches when enforcing the rules.
4. Be impartial and fair, yet firm, in all decisions. A good official does not attempt to compensate later for an unpopular decision.
5. Refrain from commenting upon or discussing a team, play or game situation with those not immediately concerned.
6. So conduct the games as to enlist the cooperation of players, coaches and spectators in the interest of good sportsmanship.

CLUBS

Student membership and participation in any school organization, club or activity shall be based upon meeting the standards of good citizenship and scholarship as outlined under athletic and extracurricular eligibility.

Clubs may be started by contacting the principal for applications. Clubs should be the result of a definite need or interest. All clubs must have a faculty advisor.

SOCIAL EVENTS

Dances will be held throughout the school year at the request of some student organizations. Refreshments will be sold by the sponsoring group. Dances will last two or three hours depending on the time of year.

Secondary regulations for social events are:

1. Only Cape Henlopen students may attend the dances.
2. Regular school or casual dress is acceptable.
3. No drinking of alcoholic beverages, smoking, illegal drugs or abusive language by students will be tolerated.
4. There will be no passes for leaving. If you leave the dance, you may not return, and you must leave school property.
5. Refreshments must be consumed where the activity is held.
6. Tickets to all dances will be sold in advance.

CHAPTER X OTHER IMPORTANT INFORMATION

ASSEMBLIES

Assemblies, unless otherwise stated, will be held in the auditorium or gymnasium. Invitations will be extended to specific staff members who have the option to bring their classes or not as they see fit. Seating will be by class or homeroom.

Sometimes, an assembly program will result in guests visiting our school. Students are reminded that they are a reflection not only of themselves, but also of Cape Henlopen School District and are expected to treat these guests with courtesy and respect. Those students who do not conduct themselves properly during assembly programs will be removed from the assembly. At the end of the assembly program, the staff will give directions for dismissal.

COPIERS

Students DO NOT have permission to use the school's copiers. Students who are trained by the office staff as student aides may use the copier located on the second floor to make copies as requested by their supervising staff member. Students who have been trained will be issued an identification card indicating the class period they are permitted to be using the copier.

DEBTS

Students incur debts because of failure to return materials, books, calculators, etc. that are issued to the students. Debts can also be incurred for destruction or excessive wear to these materials. Some debts are transferred from the middle schools. Student debts must be paid before the student can engage in extra-curricular activities. Students who participate in field trips are to be debt-free. Debts can be paid in the main office.

Personal checks are not accepted for debt resolution. Only Cash, Money Order or Certified Check will be accepted.

DETENTION AND IN-SCHOOL SUSPENSION

At various times, a student may be assigned an after-school detention or an in-school suspension. After-school detentions are two hour and one-half hours each and in-school suspension lasts the entire school day. Students are scheduled for detention or in-school suspension at the time that they have a discipline conference for a disciplinary referral. After-school detentions and in-school suspensions will not be rescheduled.

Students assigned to after-school detention or in-school suspension are supervised by members of the high school staff. These staff members have the authority to dismiss students, enforce school rules, enforce after-school detention and in-school suspension rules, and remove a student from in-school suspension or after-school detention because of misbehavior. Students who are removed from in-school suspension or detention for misbehavior will be suspended out-of-school.

While in detention or in-school suspension, the following rules apply:

- Talking is not allowed

- Reading of newspapers, comic books, magazines is permitted only if they are part of class assignment
- Keep head off the table, and sit in an upright position
- Stay awake at all times
- Electronic devices are not allowed
- Games are forbidden
- Raise hand for permission to get out of seat
- Students serving in-school suspension will be escorted to the restroom.

EARLY DISMISSAL

Some students are scheduled for early dismissal due to advanced college placement, enrollment in the diversified occupations work program, or participation in one of the various internships offered at CHHS. Students who are scheduled for early dismissal are issued an early dismissal card indicating the time for the student's regular dismissal. Students are expected to leave the property within ten minutes of the time indicated on their early dismissal cards. Transportation for students who are scheduled for early dismissal is the responsibility of the student. The early dismissal card is to be shown upon request to any staff member who questions the student about not being in class. Abusing the privilege of the early dismissal process may result in the loss of the privilege and possible disciplinary action.

GUIDANCE PROCEDURES

Students who wish to see their guidance counselor should complete the sign-in sheet on the counter in the guidance office to request an appointment. Unless asked to stay, students should then return to class. A pass will be sent to the student indicating the time and date for the appointment. In case of an emergency, students should notify the guidance secretary, a school administrator, or a member of the school staff who will help to make sure that the student is seen in a timely manner.

HALL PASSES

In order to get the most benefit from classes, it is necessary that a student be in attendance. It is for this reason that the number of hall passes available for student use is limited to the available spaces on the hall pass pages of the agenda book. Students who need to leave a class must request permission from the respective teacher who will fill in the appropriate line on the hall pass page. The use of these hall passes is a privilege, not a right. Teachers will set individual policies on their requirements for being allowed to leave the classroom.

Students who must see the nurse on a regular basis for medication or treatment will be given a separate sheet by the nurse to attach in the front cover of the agenda book. This sheet will indicate the regular time that the student is supposed to report to the nurse's office. Students who are requested to go to the guidance office or the discipline dean will be issued separate passes from those offices.

LOCKERS

All secondary students are assigned a locker. These lockers are to be kept in good order and closed at all times. Stickers, labels and markings on lockers are prohibited. Under no circumstances should valuables be kept in an unlocked locker. A detailed inspection of each student's locker may be made at

various times during the school year. Lockers must be kept locked! Locker security is the responsibility of each student.

The school will not assume responsibility for items missing from lockers. (See Searches). USE ONLY ASSIGNED LOCKERS.

LUNCHROOM GUIDELINES

No food is to be taken from the cafeteria or eaten in any other area of the school.

The 30-minute lunch period is to be spent entirely in the cafeteria. Students may sit anywhere. Students are free to talk quietly with those around them. Shouting and excessive movement from table to table is prohibited. Teachers/paraprofessionals have been assigned to supervise the lunch-line behavior in the cafeteria. Students are expected to show them respect and cooperate with any requests that the supervising staff might make. Students are not permitted to break in the lunch line or allow others to do so.

Students must not leave the cafeteria without permission in advance from one of the cafeteria supervisors.

PERSONAL EQUIPMENT

Electronic devices (other than district approved devices) are not permissible in the school environment during the school day. Possession of activated communication devices is prohibited in school. Activated means turned on, accessing, ringing, vibrating, text/visual messaging, photographing, et al. Activated devices will be confiscated and turned over to an administrator. Students must surrender activated communication devices to staff upon request.

RESTRICTED AREAS OF THE SCHOOL

Some areas of the school are not designated for student use. These include a) the faculty lounge, b) the mail room, c) the faculty dining room, d) the area of the main office behind the counter, e) the boiler room, and f) custodial areas.

Students found in these areas may receive a disciplinary referral for being in an unauthorized area. Students are also reminded that some areas normally designated for student use are off-limits unless adult supervision is available or specific permission is granted. This includes but is not limited to a) the gymnasium, b) empty classrooms, c) the locker room, and various school offices.

In addition, students are not permitted to be in the parking lot during the school day. All items needed for the day are to be removed from the car and brought into the school with the student.

SENIOR PRIVILEGES

Traditional privileges afforded to students who have earned senior status include the following:

1. Reserved parking for seniors in the senior parking lot.
2. Outdoor eating privileges during the assigned lunch period for seniors.

SHUTTLE BUS

The Cape Henlopen shuttle bus is designed for Cape Henlopen High School athletes. The bus generally leaves the school at 5:30 p.m. and travels to general drop-off points throughout the Cape community. Spectators or non-athletes are not allowed on the bus. If the bus privileges are abused by secondary student athletes, action will be taken to suspend their riding privileges.

SKATEBOARDS

Students are not permitted to ride skateboards on school property at any time. Students who bring skateboards to school must leave them in the office and pick them up at the end of the day.

TEXTBOOKS

The school furnishes books to all students. This is done with the expectation that this major investment will be properly safeguarded. Reasonable damage is expected as a result of daily use. Unreasonable damage to textbooks will result in fines.

Book covers will be available and books must be covered at all times. Students who lose or damage a book while it is checked out to them will be expected to pay the replacement cost.

VISITORS TO SCHOOL

Parents are always welcome to visit the school. A parent who wishes to talk with a specific staff member, s/he must call for an appointment since teachers cannot be called from their classes, and the administrative and counseling staff are often unable to see unexpected visitors because of previous commitments. For the protection of the students, all visitors must register at the school office immediately upon entering the building. Visitors are reminded not to park in areas with yellow curbs.

Student-age visitors are not permitted on school grounds while school is in session unless prior permission is granted by a school administrator.

WEEKLY PROGRESS REPORTS

Students are encouraged to monitor the progress being made in each class. The agenda book provides space to record grades earned for assignments in each class. In addition to the regular mid-report cards and regular report cards, students (and parents) can determine how the student is progressing by using a Weekly Progress Report (WPR). Students pick up the WPR from the counter in the Guidance Office (generally on Friday). They then request each teacher to fill in the appropriate spaces. Teachers report on grades, attendance, attitude, and missing assignments. These sheets can then be used to keep track of weekly progress of the student.

WELLNESS CENTER

CHHS is fortunate to be able to house a Wellness Center for the benefit of students at the high school. The Wellness Center, which can be accessed by scheduling an appointment, provides a variety of service to students. Some of the many services and staff include:

- A registered dietician
- A social worker
- Free sports physicals
- Medical care

- Current medical literature

The Wellness Center is administered by the Beebe Medical Center. Students or parents may schedule appointments by stopping in the center or by calling 644-2946. Upon their first visit, forms must be completed by parents or guardians, and their signatures will be verified by phone. Students will also be asked to fill out an information-gathering sheet, which will help the Wellness Center staff to provide the appropriate service for the student.

Upon completion of the appointments to the Wellness Center, students report to the attendance clerk in the Main Office to be issued a pass to class.

GLOSSARY (As used in this Code)

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

Abusive/Inappropriate Language (S0301) - written or spoken language or gestures that are considered offensive, obscene, vulgar, derogatory, or disrespectful comments.

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

Academic Cheating (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).

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

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

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

Aggravated Assault - assault with a weapon or dangerous instrument.

Assault - recklessly or intentionally physically injuring another person.

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

Assault I & II (C0106 or C0107) - see Title 11, Delaware Criminal Code Chapter 5, Subchapter II, section 612 (Assault II) and 613. (Assault I)

Assault III (C0201) (D1701 OR D1702) - 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.

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

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

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

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

Breaking and Entering (S0272) - 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.

Bullying (D0701) - any intentional written, electronic, verbal or physical act or actions against another person that a reasonable person, under the circumstances should know will have the effect of: (1) placing a student, school volunteer, or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) or interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee. **Cyberbullying** means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of

students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community. 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim. 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials. (An act is intentional if it is the person's conscious objective to engage in conduct of that nature.) The Student Code of Conduct will be enforced for any verified act of bullying, as defined above, committed out of school against a Cape Henlopen 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.

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

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

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

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

Code - the Student Code of Conduct.

Code of Conduct Violation: Off School Property (S0332) - inappropriate behavior outside of school property and at school sanctioned or supervised activities.

Code of Conduct Violation: Repeated (S0333) - 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.

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

Consensual Sexual Misconduct (S0108) - consensual acts of affection or intimacy inappropriate to an educational setting.

Criminal Mischief (Vandalism) (D0301) - a student in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property.

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

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

Dangerous Instrument(s) or Deadly Weapon Possession/Concealment/Sale (C0601 - C0626) - the unauthorized possession/concealment/sale by a student in the school environment of any instrument, article or substance which is readily capable of causing serious physical injury or death

State Code 222: "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray, as defined in paragraph (7) of this section or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person. "Deadly weapon" includes a "firearm", as defined in paragraph (12) of this section, a bomb, a knife of any sort (other than an 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", as defined in paragraph (4) of this section, which is used, or

attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.

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

Defiance of School Authority (S0081) – (1) verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) 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.

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

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

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

Discipline Letter Not Returned (S0191) - failure to return signed Office Discipline Referral may result in further disciplinary actions

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

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

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

Disruption of the Education Process (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.

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

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 at school events of drugs, alcohol, paraphernalia, or look-alike substances to any other person, with or without the exchange of money or other valuable consideration.

District - the Cape Henlopen School District.

Dress Code Violation (S0291) - a direct violation of the set of rules which indicates the approved manner of dress. Students are required to adhere to the dress code that is outlined in Chapter I, Student Dress. When a student is in violation, he/she will be required to change into acceptable attire and may not be allowed to return to class until in compliance.

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

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

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

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

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

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

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

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

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

False Alarm/Bomb Threat - intentional untrue warning signal.

Failure to Perform Properly in In-school Suspension (S0201) - student violates the Code of Conduct while assigned to a designated, supervised area within the school.

Failure to Provide Identity When Requested (S0211) - the act of not identifying one's self to school personnel or emergency crew members with your legally proper name when requested.

Failure to Report for Disciplinary Action (S0231) - disciplinary actions are required obligations to be served at the building with the assigned school personnel. Failure to report will result in further disciplinary action.

Falsification: Verbal (S0321) or Written (S0322) - falsely or fraudulently signing or altering a document such as hall pass, early dismissal note, progress report, absence excuse, etc. Falsification shall also include impersonating another person or falsely identifying oneself or others. Falsification shall also include providing false information pertaining to another person or incident.

Felony Theft (D0601) - the taking, exercising control over, or obtaining property in excess of \$1,500 of another person intending to deprive that person of it or appropriating it without permission from the owner.

Fighting (D1101) - any aggressive physical altercation between two or more individuals.

Fire Alarm Incident (S0151) - tampering with and/or unauthorized use of a fire alarm device.

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

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

Gambling- School Violation (S0241) - participation in games of chance for money or other items of value on school property or at school sponsored events.

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

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

Hazing - See Anti-Hazing/Hazing Policy section.

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

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

Improper Use of Free/Reduced Lunch Card (S0251) - use of an unassigned ID to purchase a reduced lunch or obtain a free lunch.

Inappropriate Behavior (S0101) - any behavior that is not appropriate for School Environment and interferes with the effective functioning of the members of the school community.

Inappropriate Behavior: Careless or Reckless Behavior (S0107) - unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or has the potential to cause injury or property damage.

Inappropriate Behavior: Consensual Sexual Misconduct (S0108) - consensual sexual act(s) between two individuals within the school environment.

Inappropriate Behavior: Disrespect Towards a Staff Member (S0104) – behavior that disturbs and/or offends and is directed at or in regard to a staff member that is rude, unpleasant, discourteous and/or inappropriate.

Inappropriate Behavior: Disrespect Towards a Student (S0105) - behavior that disturbs and/or offends and is directed at another student that is rude, unpleasant, discourteous and/or inappropriate, causing distress.

Inappropriate Behavior: Plan to Violate Code of Conduct (S0106) - 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

Inappropriate Behavior: Safety Violation (S0102) - any behavior that is not appropriate for school and has the potential to put themselves or others in danger.

Inappropriate Behavior: Violation of Behavioral Contract (S0103) - repeated behavior that is defined within a contract that could result in serious disciplinary action including but not limited to suspension, expulsion, or placement in an alternative program.

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

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

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

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

Instigation (S0302) - behavior which is likely to instigate or produce aggressive or physical conflict between two or more individuals.

Leaving Assigned Area Without Permission (S0052) - any student leaving their assigned area without authorization from a staff member.

Leaving School Grounds Without Permission (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.

Loitering (S0071) - a student's unauthorized presence in any school area.

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

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

Lying - intentional distortion of the facts.

Make-up Work - assignments or tests that may be completed following an excused absence. The request for make-up work should be made within one (1) school day of the student's return to school. It is the responsibility of the student to pick up work and complete.

Medications: Inappropriate Use of Possession (D1601) - possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612

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

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

Misuse of Technology (S0181) - the use of school technology equipment in: (1) Soliciting, using, receiving or sending violent, pornographic, obscene, and/or inappropriate material for the academic setting; or (2) as part of violating or in violation of any federal, state or local law, ordinance, or regulation, or as part of any illegal activity. (For purposes of this section, "inappropriate material" shall be deemed to be any material which is disruptive of the educational process, as well as any material which may be deemed or constitute cyber-bullying) or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment.

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.

NCAA - National Collegiate Athletic Association

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

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

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

Offensive Touching- Student Victim (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.

Offensive Touching- Employee Victim (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.

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

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

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

Pornography Possession and/or Production (D0101) - possession, sharing, or production of any known obscene material in the School Environment.

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

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

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

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

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

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

Rape or Attempted Rape or Sexual Assault (C0120 – C0128) - see CHSD School Board Policy 225. See DE Criminal Code Title 11, Chapter 5, Subchapter II, Sections 762-780.

Reckless Burning (S0152, C0133, C0134) - intentionally or recklessly starting a fire or causing an explosion that places a building or property in danger of destruction or damage or places another person in danger of physical injury.

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

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

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

Report: Attorney General (S0161) (off-campus offenses only) - 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 offenses, and Drug offenses.

Report: CDAP (S0162) – use of Consortium Discipline Alternative Program procedures set forth in Delaware Department of Education's Regulation 616.

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

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

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

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

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

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

Sexual Harassment (D1001) - see CHSD School Board Policies 222 and 223.

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

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

Skipping Class (S0041) - any time a student is present in school but does not attend class. Any unexcused absence for more than ten (10) minutes of a class may be considered skipping class. Repeated offenses will be considered defiance and treated as such.

Stealing (S0111) - the taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriating it without permission from the owner.

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

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

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

Tampering with Public Records (D0401) – a person is guilty of tampering with public records in the first degree when, with intent to defraud, and knowing that the person does not have the authority of anyone entitled to grant it, the person knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in or otherwise constituting a record of a public office or public servant.

Tardiness: Late to School (S0031)/ to Class (S0032) - three (3) unexcused tardy to school or to a class without authorization or approved reason.

Teen Dating Violence (D2011) - any assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.

Terroristic Threatening (Student Victim D0901) (Employee Victim D0902) - when (1) A person threatens to commit any Crime likely to result in death or 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. **Terroristic Threatening - Security Threat:** 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.

Theft - stealing

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

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

Tobacco Possession and Use (D1401) - using, possessing, or dispensing of any tobacco product or tobacco like products. This could include, but is not limited to, cigarettes, cigars, snuff, chewing tobacco, vaporizer pen, or electronic cigarette.

Trespassing- School Violation (S0271) - a student knowingly or unknowingly is in a Cape Henlopen School District area without a legitimate purpose, without having written permission from anyone authorized to grant such permission.

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

Unauthorized Use of Cell Phone or Electronic Devices (S0311-S0314) - electronic devices not provided by the school are prohibited during the school day and at designated school events. This includes, but is not limited to, the unauthorized recording or posting online of audio/video/or still images. Cell phones/electronic devices must be turned off and put away during the school day. The district shall not be responsible for lost or stolen electronic devices.

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

Unexcused Absence/Truancy (S0021-S0023) - an absence for a reason other than the twelve (12) valid reasons and/or absence without a note. Repeated offenses may result in contact from the visiting teacher or legal action and could be considered defiance and treated as such. An unexcused absence may result in no credit for the missed school work.

Unlawful Sexual Contact (D1801, D1802, C0301, C0120, C0121) - "Sexual contact" means:

(1) Any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person; or (2) Any intentional touching of another person with the defendant's anus, breast, buttocks or genitalia; or (3) Intentionally causing or allowing another person to touch the defendant's anus, breast, buttocks or genitalia which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. "Sexual contact" shall also include touching when covered by clothing. See Delaware Criminal Code Title 11, Chapter 5, Subchapter 2, Section 767 - 769.

Unprepared for Class (S0282) - a habit or pattern of chronic unpreparedness for classes.

Unprepared for Physical Education (S0281) - a habit or pattern of chronic unpreparedness for physical education classes.

Unsafe Driving: School Violation Code (S0121) – driving any vehicle on school property or in a school zone in willful disregard for the safety of persons or property.

Unsafe Driving: Parking Violation (S0122) – unauthorized parking of any vehicle on school property. A vehicle without a student parking permit is subject to search and towing.

Unsafe Item (S0131) - any item or device that may be deemed by building staff as unsafe, disruptive or having the potential for causing disruption (not a weapon).

Unsafe Item: Fireworks/Firecracker (S0132) – possession, distribution or use of any fireworks, firecrackers, rockets, Roman candles, fire balloons, or other fireworks or substances of any combination designed or intended for pyrotechnic display.

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

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, inhalant, drug paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

Use of Profanity (S0011) - any written or spoken profane language.

Vandalism - willful or malicious destruction or defacement of property.

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

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

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

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

600 Discipline and School Climate

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

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

	KN - Grade 5	Grades 6 - 12
First Offense	<p>Documented in ITracker Notes:</p> <ul style="list-style-type: none"> • Teacher reminds the student of the importance of wearing a mask and asks the student to comply. • If student refuses to put on mask, student is removed from the classroom. • Student must take part in “educational experience” regarding the importance of wearing a mask. (Options are included) • After “educational experience,” student returns with mask on. • Parent is informed of the incident via phone call and email/letter (document this). 	<p>Documented Warning in ESchool:</p> <ul style="list-style-type: none"> • Teacher reminds the student of the importance of wearing a mask and asks the student to comply. • If student refuses to put on mask, student is removed from the classroom. • Student must take part in “educational experience” regarding the importance of wearing a mask. (Options are included) • After “educational experience,” student returns with mask on. • Parent is informed of the incident via phone call and email/letter (document this).
Second Offense	<p>Documented Warning in ESchool:</p> <ul style="list-style-type: none"> • Teacher reminds the student of the importance of wearing a mask and asks the student to comply. • If student refuses to put on mask, student is removed from the classroom. • Student must take part in “educational experience” regarding the importance of wearing a mask. (Options are included) • After “educational experience,” student returns with mask on. • Parent is informed of the incident via phone call and email/letter (document this). 	<p>Inappropriate Behavior: Safety Violation - Documented in ESchool:</p> <ul style="list-style-type: none"> • Teacher reminds the student of the importance of wearing a mask and asks the student to comply. • If student refuses to put on mask, student is removed from the classroom. • Parents are contacted for a phone/zoom conference. Parents are invited to participate in the development of a plan to get the student to comply in wearing a mask. If the student does not comply, the parent will be required to come to the school to pick up the child.
Third Offense	<p>Inappropriate Behavior: Safety Violation - Documented in ESchool:</p> <ul style="list-style-type: none"> • Teacher reminds the student of the importance of wearing a mask and asks the student to comply. • If student refuses to put on mask, student is removed from the classroom. • Parents are contacted for a phone/zoom conference. Parents are invited to participate in the development of a plan to get the student to comply in wearing a mask. If the student does not comply, the parent will be required to come to the school to pick up the child. 	<p>Defiance of School Authority - Documented in ESchool:</p> <ul style="list-style-type: none"> • The student is removed from the classroom. • Parents are contacted. They must come in for a conference or participate in a Zoom conference. • The student will not be permitted to return to face-to-face instruction in school. • Absences will be coded as unexcused.
Fourth Offense	<p>Defiance of School Authority - Documented in ESchool:</p> <ul style="list-style-type: none"> • The student is removed from the classroom. • Parents are contacted. They must come in for a conference or participate in a Zoom conference. • The student will not be permitted to return to face-to-face instruction in school. • Absences will be coded as unexcused. 	

Educational Experiences

PreK - 3

Watch Video:

- <https://youtu.be/OLO1GNXKmNE>
- <https://youtu.be/K0LnOlRGoCw>

Read "How to Safely Wear and Take Off a Cloth Face Covering"

<https://drive.google.com/file/d/10e0mosgpKvJjR0w94liQ7ZJbM9rM8fDH/view?usp=sharing>

Social Stories:

- <https://paautism.org/resource/wearing-mask-social-story/>
- <https://drive.google.com/file/d/1dFILC2dsknhqnCxJUWdo8INRWLsKFxBj/view?usp=sharing>

Grades 4 - 12

Watch Videos:

- https://www.cdc.gov/wcms/video/low-res/coronavirus/2020/1302130220_317296-How_to_wear_a_cloth_face_covering.mp4
- <https://www.youtube.com/watch?v=gqG0BqOT4fk>

Spanish

<https://drive.google.com/file/d/1I9yDiWCQH2IFABCqeTJ30IhpLLrIDHxP/view>

Supports & Modifications

- Add supports in the Behavior Intervention Plan for students that already have one (with supports like social stories, reminders, visual prompts).
- Build in breaks for the students to take off the mask.
- Ask parent to send in a variety of masks and provide the student with alternative mask options.
- Visual reminders on the desk to keep the mask on (or hands off mask).
- Positive Reinforcement for students keeping masks on.
- Provide a sensory box of options for students with sensory needs wearing a mask (ie. Have a variety of sensory related items in a box - soft, hard, scratchy, rough, etc...)
- Have the student pick which mask to wear for the day from the selection home (allowing choice).
- Mask Support Plan after the first violation to document the attempts to help support the student in wearing the mask.