

# Cape Henlopen School District



## 2017 - 2018 HIGH SCHOOL and MIDDLE SCHOOL 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.

### **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 inservice 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 GOOD 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 violence. A positive school environment requires and where understanding and tolerance, if not appreciation, of individual differences. A good school environment 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. Its atmosphere 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 learning and preparing for a productive life in our society. This Code of Conduct 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 – BE ATTRACTIVE, NOT DISTRACTIVE**

It is not the purpose of the Cape Henlopen secondary school to have every student conform to a set pattern of life or to make all individuals conform to a particular style or pattern of dress. However, it is reasonable to require students to follow a modified dress code for the purpose of promoting safety, proper decorum, and respect for the values of one another. Students should use the following guidelines when deciding what to wear to school, unless otherwise required by religious beliefs.

1. Both male and female students may wear shorts to school. Bathing Suits are not permitted. Shorts must be not more than 4 inches above the knee. Skirts must also be no more than 4 inches above the knee.
2. No bare midriff clothing is permitted. The bottom of the top garment and the top of the bottom garment must overlap or the top garment must be worn tucked inside.
3. Students must wear appropriate footwear at all times, because of the potential for accidents on the stairs, in the hallways and on the school bus; shoes should be tied at all times and flip flop type footwear is not recommended.
4. No items (clothing, shirts, hats, buttons, pins, jewelry) which contain obscene or vulgar language or have pictures depicting same, or refer directly or indirectly to narcotics, alcoholic beverages, or are sexually suggestive are acceptable in the District schools. This includes any derogatory or offensive pictures or language.
5. Tank tops or clothing resembling men's sleeveless underwear is not acceptable, nor is clothing which has been ripped, frayed, or torn.
6. Hats or other types of headgear are not to be worn inside the building during regular school hours by either males or females.
7. Sunglasses are not to be worn in school.
8. Undergarments must not to be visible at any time.
9. Low cut blouses, spaghetti straps, sheer shirts, fish net shirts, and any other revealing garments are not permitted. Straps must be at least 2 inches wide.
10. Pajamas and bedroom slippers are prohibited.
11. Sagging pants are prohibited. It is recommended that students wear belts.

Inappropriate student dress will be determined by the administration. Students wearing clothing that is not in compliance with the above guidelines will be referred to the building Principal or to the Principal's representative. If considered necessary by school authorities, parents will be notified to bring in appropriate clothing. If parents cannot be reached, the student may be removed from class and detained until the end of the day.

### **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, or political beliefs.

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. Students [and their parent(s)] should inform the Principal in writing if certain activities conflict with their religious beliefs or deep personal convictions.
- 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*

### **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, fieldtrips, sports events and any school function within the State of Delaware must be reported to the police and when applicable to DOE (Department of Education).

The following require mandatory reports to police:

- violent felonies (all violent felonies that occur against students, school employees, and school volunteers must be reported)
- assault against a student, school employee or volunteer

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- terroristic threatening against a school employee or volunteer
- offensive touching against a school employee or volunteer
- unlawful sexual contact against a student, school employee or volunteer
- possession of a dangerous instrument or deadly weapon by a student
- possession of an unlawful controlled substance including: prescription drugs, counterfeit drugs
- other crimes as listed in Delaware Code, Title 14, Section 4112.

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

The following require mandatory report to Department of Education:

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

**DISCIPLINARY MATRIX AND CONSEQUENCES**

Infraction	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	Definition
Assault	E-G	G	G	G	Recklessly or intentionally physically injuring another person.
Attorney General Report	A-E	A-E	A-E	A-E	Notification of off campus inappropriate student behavior.
Breaking and Entering	A-E	A-E	A-E	A-E	The illegal and unauthorized entry into school district buildings or vehicles.
Bullying (See Board Policy)	C-G	C-G	D-G	E-G	Repeated, intentional, written, electronic, verbal or physical act or actions against another person, which directly or indirectly causes physical injury, mental injury or discomfort.
Cheating including Plagiarism	C	C	C	C	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.
Communication Devices	A-C	B-C	B-C	B-C	Included but not limited to: electronic pagers, cell phones, and any other electronic signaling devices.
Criminal Mischief	C-F	F	F	F	Intentionally recklessly damaging or tampering with the property of another.
Defamatory or Demeaning Remarks	A-C	C	C	C	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.
Disorderly Conduct	C	C	E-G	G	An offense involving disturbance of the public peace and decency.
Disrespect including Insubordination	C	C	C	D/E-G	Refusal to comply with a reasonable request from any adult.
Disruption	A-C	C	C	C	Behavior causing distractions, friction, or disturbances seriously or repeatedly interfering with: a teacher's ability to provide instruction; a school activity; maintaining order on a bus, in hallways, or common areas.
Dress Code Violation	A-C	C	C	D/E-G	A direct violation of the set of rules which indicates the approved manner of dress.
Drug/Alcohol Use, Possession of Drugs, Drug Paraphernalia, Alcohol, or look alike	D-G	E-G	E-G	E-G	Equipment, product, or material (defined in Section 4701 of Title 16 of the Delaware Code) that is modified for 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. 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.
Distribution of Drugs/Alcohol	E-G	E-G	E-G	E-G	
Eating/Drinking Outside the Cafeteria	A-C	C	C	C	The only substance that is acceptable is clear water in a clear bottle.
Extortion	C-G	C-G	E-G	G	Obtaining or attempting to obtain money, goods or information from another source by force or threat of force.
False Alarm/Bomb Threat	E-G	G	G	G	Intentional untrue warning signal.
Fighting	D-G	D-G	E-G	G	Taking part in a physical struggle, unruly or turbulent behavior.
Forgery	C	C	E-G	E-G	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	B	C	C	E-G	Participation in games of chance for money or other things of value on school property or at school sponsored events.
Gang Like Behavior (See Board Policy)	C-G	C-G	E-G	G	Three (3) or more people committing at least one criminal act who may share common identities.
Hazing	C-G	C-G	D-G	E-G	See Anti-Hazing/Hazing Board Policy Section.
Loitering including Out of Assigned Area	C	C	C	C	A student's unauthorized presence in a school area.
Misuse of Technology	A-C	C	C	C	Accessing, printing, or distributing inappropriate materials. This may include but not be limited to using cell phone, video or any means of inappropriate postings that are related to the disruption of the educational process.
Offensive Touching - Employee Victim	E-F,G	E-F,G	E-F,G	E-F,G	Intentionally aggressive, insulting, or obnoxious bodily contact with another. Police Contact.
Offensive Touching - Student Victim	D-F	D-F	D-F	D-F	Intentionally aggressive, insulting, or obnoxious bodily contact with another. Police Contact.
Open Display of Affection	C-E	C-E	C-E	C-E	Hugging, kissing, or open sexual display.
Pornography (possession and/or production)	C-F	C-F	C-F	C-F	Sexually explicit pictures, writing, or other materials whose primary purpose is to cause sexual arousal, the presentation or production of this material and/or lurid or sensational material.

High School & Middle School Code of Conduct

Possession of Weapons/Dangerous, Destructive Instrument	E-G	E-G	E-G	E-G	Any weapon from which a shot may be discharged, including BB guns, a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, ice pick, nunchakus, and pocket knives or any item that may threaten the safety or intimidate others, or using common articles in an aggressive, threatening manner.
Profanity Towards Students or Staff	A-C	C	C	C	Use of abusive or profane language; cursing or swearing.
Property Damage including Graffiti	A-H	A-H	A-H	A-H	Drawing, painting, etching, on public or private property.
Provoking a Fight	D-F	D-F	D-F	D-F	To incite, stimulate, or encourage a student or students to fight by verbal or physical activity.
Reckless Driving	C,G,I	C,G,I	C,G,I	E-G	Operating a vehicle in willful or wanton disregard for the safety of persons or property.
Reckless Play	A-C	A-C	A-C	A-C	Reckless behavior that could intentionally result in any injury.
Sexual Harassment	C-F	C-F	C-F	C-F	See Sexual Harassment by District Students.
Sexual Misconduct	E-G	E-G	E-G	E-G	Any sexual act including but not limited to: indecent exposure, unlawful sexual contact, incest, sexual extortion, rape, any sexual offense against a minor.
Skipping	C-F	C-F	C-F	C-F	Failure to attend school without parent/guardian knowledge and written consent and/or leaving school grounds without valid permission.
Smoking or Possession of Tobacco Products	C	C	C	C	Any tobacco related products included but not limited to: cigarettes, snuff, chewing tobacco. See glossary for definition of tobacco.
Stealing/Possession of Stolen Property	D,G,H	D,G,H	E-H		The act and/or knowledge of taking the property of another without permission of the owner.
Tardiness to School	Attendance Policy				See Board Attendance Policy.
Tardiness to Class	A	C	C	C	See Board Attendance Policy.
Terroristic Threat - Employee Victim	D-F,G	D-F,G	D-F,G	D-F,G	The unlawful use or threatened use of force or violence by a person or an organized group against people or property with the intention of intimidating or coercing societies or governments, often for ideological or political reasons. Police Contact.
Terroristic Threat - Student Victim	D-F	D-F	D-F	D-F	The unlawful use or threatened use of force or violence by a person or an organized group against people or property with the intention of intimidating or coercing societies or governments, often for ideological or political reasons. Police Contact.
Trespassing	C	C	D	E	Being inside or on the property of the school, not having a legitimate reason for being there, not having written permission from anyone authorized to grant such permission.
Unlawful Sexual Contact III	F,G	F,G	F,G	F,G	A serious offense that is considered above the misdemeanor level as defined in State Law. See Board Policy - Sexual Harassment by District Students. Policy Contact.
Vandalism	C	G	H	I	Willful or malicious destruction or defacement of property.
Violent Felony	F,G	F,G	F,G	F,G	One of several grave crimes, such as murder, rape, or burglary, punishable by a more stringent sentence than that given for a misdemeanor.

Key-	A- Administrative Conference	E- Suspension out of school until student hearing to determine expulsion
	B- Confiscation of Materials	
	C- 1 – 10 days Suspension (in school, out of school, after school detention, or loss of bus privileges)	G- Police Contact (arrest if appropriate)
	D- 5 days Out of School Suspension	H- Restitution
		I- Loss of Driving Privileges
<ol style="list-style-type: none"> <li>Students must make restitution for repairs or replacement of damaged or stolen property.</li> <li>Students who are suspended will be restricted from participating in a variety of activities.</li> <li>Many of the offenses listed above are also violation of Delaware State laws and are subject to prosecution.</li> <li>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.</li> <li>A counseling component may be added to any consequence as determined by appropriate staff.</li> <li>Special needs students may require a Functional Behavior Analysis.</li> </ol>		

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

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

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

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

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



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

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

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

### **STUDENT HEARING PROCESSES & PROCEDURES**

- **Alternative Placements**  
Assignment to alternative programs is the removal of 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.
  2. The Principal/Designee will explain the purpose of the meeting is to inform the parent/guardian and student:
    - a. of the referral for Alternative Placement;
    - b. that the student may be suspended pending the outcome of the Alternative Placement Team Meeting, and;
    - c. of the procedures that will take place as follow-up to the referral for Alternative Placement.
- After the school has held a School Review Team Meeting and forwarded all required documentation to the district, Central Team Meeting will be scheduled.
- 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 Success Guide applies to all students. However, when enforcing the Guide, the district will comply with federal and state law pertaining to students with disabilities.

1. If a student with a disability, as defined by Federal and State law and regulations, is recommended for removal for more than ten (10) school days, either consecutively or cumulatively, in any one school year, or if expulsion is being recommended, a meeting of the student's IEP team shall be conducted.

2. The student's IEP team will consider whether the offense was a manifestation of the student's disability.
3. If the IEP team determines the offense was a manifestation of the student's disability, the IEP team shall modify the student's educational program and/or placement accordingly.
4. If the IEP team determines that the offense is not a manifestation of the student's disability, the student will be subject to the provisions of the Student Success Guide and disciplined accordingly.
5. In instances where the student with a disability presents a danger to him/her or others, or is as disruptive to the educational environment as to interfere with the rights of other students, emergency placement and/or removal may be sought by the District, including homebound instruction.
6. Students with disabilities and their parents and/or guardian should also refer to the Administrative Manual for Special Education Services available through the Delaware Department of Education.

### **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**

- I. The following policy on the Possession, Use, or Distribution of Drugs and Alcohol shall apply to all schools/programs:
  - A. The possession, use, and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, and/or drug paraphernalia are wrong and harmful to students and are prohibited within the school environment.
  - B. Student lockers are the property of the school and may be subjected to search at any time with or without suspicion.
  - C. Student motor vehicle use to, and in, the school environment is a privilege which may be extended by school districts to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession, or distribution of alcohol, a drug, a drug-like substance, a look-alike 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.

- D. All students are responsible for their own actions. Students who are 18 years or older will be treated as adults for the purposes of reporting violations of this policy and of the law to the police. Such students shall also be on notice that their parents and/or guardians will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.
- E. All alcohol, drugs, drug-like substances, look-alike substances, and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or Designee. 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.

II. The following definitions shall apply to this policy:

- A. **“Alcohol”** shall mean alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine and beer.
- B. **“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.
- C. **“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.
- D. **“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.
- E. **“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.
- F. **“Expulsion”** shall mean exclusion from school.
- G. **“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.
- H. **“Nonprescription medication”** shall mean any over-the-counter medication; some of these medications may be a “drug - like substance.”
- I. **“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.
- J. **“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.
- K. **“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.
- L. **“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.

III. The following regulations shall apply to this policy:

- A. Each year all students shall receive an updated Student Handbook that contains the state and district drug and alcohol policies and regulations to be shared with their parents.
- B. 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.

- C. Staff members will report incidents to the Dean of Students/Principal Designee who will verify the identity of the student and the probable cause that a policy violation has been committed. The Dean of Students/Principal Designee where required will report the incident to the police and will file a report to be sent to the Department of Education. Parents will be notified as quickly as possible via the telephone. If telephone contact cannot be made, a letter will be sent home. Records will be maintained in a separate discipline file, and confidentiality will be followed. Names and details of any particular incident will be revealed only to those staff persons who are required to know the specific information.
  - D. Any physical evidence of a policy violation will be submitted to the Dean of Students/Principal Designee. The Dean of Students/ 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 Dean of Students/ Designee and submitted to the police upon their arrival.
  - E. General searches of the property of a student may be conducted by the Dean of Students/Principal Designee at any time upon reasonable suspicion.
  - F. All prescription and over-the-counter non-prescription drugs shall be presented to the school nurse upon entering the school building. The nurse will be responsible for dispensing those drugs to the students until they leave at the end of the school day. Any of these drugs not submitted to the school nurse will be considered in violation of this policy. 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.
  - G. The discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of 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.
  - H. 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.
- IV. The following discipline policy shall apply for infractions of State and District Drug and Alcohol Policies:

A. USE/IMPAIRMENT

<b>FIRST VIOLATION</b>	<b>SUBSEQUENT VIOLATIONS</b>
Required: <ul style="list-style-type: none"> <li>• Parent Contact</li> <li>• 5-10 Days Suspension</li> <li>• *Participation in a drug and alcohol program</li> <li>• (Parent/Guardian Responsibility)</li> <li>• Referral to Police Agency</li> </ul> Optional: <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>	Required: <ul style="list-style-type: none"> <li>• Expulsion</li> </ul>

**B. POSSESSION/PERSONAL USE**

Possession of alcohol, a drug, a drug-like substance, and/or a look-alike substance, in an amount typical for personal use, and/or drug paraphernalia.

<b>FIRST VIOLATION</b>	<b>SUBSEQUENT VIOLATIONS</b>
Required: <ul style="list-style-type: none"> <li>• Parent Contact</li> <li>• 5-10 Days Suspension</li> <li>• *Participation in a drug and alcohol program</li> <li>• (Parent/Guardian Responsibility)</li> <li>• Referral to Police Agency</li> </ul> Optional: <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>	Required: <ul style="list-style-type: none"> <li>• Expulsion</li> </ul>

\* It shall be the Parent(s)/Guardian(s) responsibility to enroll their child in a drug treatment program, and provide the district with verification that the program has been successfully completed.

**C. DISTRIBUTION**

Possession of a quantity of alcohol, a drug, a look-like substance, and/or drug paraphernalia in an amount which exceeds an amount typical for personal use, and/or distribution of the above named substances or paraphernalia.

<b>FIRST VIOLATION</b>	<b>SUBSEQUENT VIOLATIONS</b>
Required: <ul style="list-style-type: none"> <li>• Parent Contact</li> <li>• 5-10 Days Suspension</li> <li>• *Participation in a drug and alcohol program</li> <li>• (Parent/Guardian Responsibility)</li> <li>• Referral to Police Agency</li> </ul> Optional: <ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Referral to Alternative Program</li> </ul>	Required: <ul style="list-style-type: none"> <li>• Expulsion</li> </ul>

**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](#)

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

See Board Policy 223

**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 Central Review Officer.

If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student's parent(s)/guardian(s) in writing and identify the time and place of the student's hearing. This hearing should be held within ten (10) school days from the beginning of the student(s) suspension. If an exception is made to the time line, the school Board will provide homebound instruction to the student until such time as the Board or 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.
7. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are:
  - a. **those prescribed to a student by a licensed provider, or**

**b. those which can be purchased over the counter for which the student has written permission from his/her parent or guardian.**

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

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

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

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

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

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

### **NONCONTROLLED SUBSTANCES**

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](#)

### **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:

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

**W. Trespassing on school property.**

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

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

**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.

**BUS DISCIPLINE MATRIX K-12**

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

\* Infractions count horizontally and vertically  
 \*\* Consequence up to the discretion of building administrator

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

Drivers contact parents for every referral. Administrator/Designee contact made for every Suspension.

## **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**

Students will be assigned to a specific grade level homeroom on the basis of the following guidelines:

- Freshman: Successful completion of required grade 8 courses for promotion
- Sophomore: Have earned at least five (5) credits including: One (1) credit in English; one (1) credit in Mathematics; one (1) credit in Science or Social Studies;
- Junior: Have earned at least eleven (11) credits including: Two (2) credits in English; two (2) credits in Mathematics; one (1) credit in Science; one (1) credit in Social Studies;
- Senior: Have earned at least sixteen (16) credits including: Three (3) credits in English; three (3) credits in Mathematics; two (2) credits in Science; two (2) credits in Social Studies; one (1) credit in a World Language.

For the Class of 2017 and Beyond

- 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](#)

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*

#### **PER DIAA RULE BOOK A STUDENT IS NOT ELIGIBLE**

Student Eligibility – Refer to DIAA Rule Book

[http://www.doe.k12.de.us/infosuites/students\\_family/diaa/official\\_hand.shtml](http://www.doe.k12.de.us/infosuites/students_family/diaa/official_hand.shtml)

**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:
4. Profanity, vulgarity, obscene gestures, abusive language and/or derogatory remarks.
5. Throwing objects
6. Going to the floor or field and interrupting a contest.
7. Use of alcohol or other controlled substances.
8. Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them.
9. Treat visiting teams and officials as guests, extending to them every courtesy.
10. 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 does s/h 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 beverage, 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
- Radios, walkmen, electronic games and wireless phones are not allowed
- Card playing is forbidden
- Raise hand for permission to get out of seat
- Students in after-school detention will not be dismissed to use the restroom
- 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**

Use of communication devices such as, but not limited to, mobile/cellular telephones, laser pointers, CD players, Radios, Cassette Players, DVD players and electronic pagers 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 e) 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 first four rows of the student parking lot.
2. Outdoor eating privileges during the assigned lunch period for seniors
3. Dismissal from class two minutes early to go to lunch. This privilege is at the option of the teacher.

### **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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NCAA** - National Collegiate Athletic Association

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Theft** - stealing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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>