

HOME of the BUCCANEERS

906 Lakeview Avenue Milford, DE 19963

Phone: (302) 422-1600

**AGENDA FOR MONDAY, JULY 9, 2018 AT 6:30 PM
REORGANIZATION MEETING AND REGULAR BOARD MEETING**

*The Reorganization Board Meeting will begin promptly at 6:30 PM
with the Regular Board Meeting expected to begin at 7:00 PM.*

- 1. Call to Order by President**
- 2. Pledge of Allegiance**
- 3. Introduction of Visitors**
- 4. Superintendent Verifies the Issuance of Certificate of Election to Newly Elected Board Members**
- 5. President Administers Oath of Office (14 Del. Code, §1053) to Newly Elected Board Members**

§1053. Oath of Office of the School Board Members

"I do solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Delaware, and the laws of Delaware governing public education and that I will faithfully discharge the duties of the office of school board member according to the best of my ability; and I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered to or promised to contribute, any money or other valuable thing as consideration or reward for the giving or withholding of a vote at the election at which I was elected to said office, so help me God (or I so affirm)."

- 6. President Appoints Dr. Dickerson as Temporary Chairperson of New Board (To take over after 2017-2018 Board is adjourned)**
- 7. President Requests a Motion to Adjourn 2017-2018 Board.**
MOTION: I move that the 2017-2018 Milford Board of Education be adjourned sine die.
SECOND:
All those in favor signify by saying Aye.

- 8. If Adopted, the President Announces: “The 2017-2018 Milford Board of Education is Adjourned Sine Die.”**
- 9. Dr. Kevin Dickerson, Temporary Chairperson, calls the 2018-2019 Milford Board of Education to Order**
- 10. Dr. Dickerson, Temporary Chairperson, asks for Nominations for the Office of President**
 - A. Board Members nominate (No second is required)
 - B. Temporary Chairperson: Any other nominations?
 - C. Board Member moves that the nominations be closed.
 - D. Second motion to close.
 - E. Temporary Chairperson reads list of nominees.
- 11. Temporary Chairperson – Election of President**
 - A. If one nominee – voice vote
 1. If unanimous “yes”, Chairperson declares results.
 2. If not unanimous, Chairperson calls for roll call vote, announces count, and declares winner (If majority of 4).
 - B. If more than one nominee, Chairperson calls for roll call vote, announces count, and declares winner (If majority of 4).
 - C. If no one received four (4) votes, call for another roll call vote.
- 12. Newly Elected President Assumes Office**
- 13. President Asks for Nominations for the Office of Vice President**
 - A. Board Members nominate (No second is required)
 - B. President: Any other nominations?
 - C. Board Member moves that the nominations be closed.
 - D. Second motion to close.
 - E. President reads list of nominees.
- 14. President – Election of Vice President**
 - A. If one nominee – voice vote
 - B.
 1. If unanimous “yes”, President declares results.
 2. If not unanimous, President calls for roll call vote, announces count, and declares winner (If majority of 4).
 - C. If no one received four (4) Votes, call for another roll call vote.
- 15. President, On Behalf of Board, Designates Dr. Dickerson, Superintendent, as Executive Secretary of The Milford Board of Education for 2018-2019 School Year**
- 16. Adjournment of Reorganization Meeting**

REGULAR BOARD MEETING

1. **Call to Order by President**
2. **Roll Call**

_____ Mrs. Dennehy	_____ Mr. Schelhouse
_____ Mr. Evans	_____ Mr. Vezmar
_____ Mr. Miller	_____ Mrs. Wiley
_____ Mrs. Purcell	
3. **Introduction of Visitors**
4. **Approval of Minutes**
 - A. Regular Meeting Minutes for June 18, 2018 **Action Item** (Attachment)
5. **Changes and Additions to the Agenda**
6. **Public Comment**
7. **Business**
 - A. Sussex and Kent County Tax Rate Proposal **Action Item** (Attachment)
8. **Establishment of Schedule of Regular Meeting Dates and Times for 2018-2019**
Action Item (Attachment)
9. **Instruction and Student Programs**
Director of Student Learning – Dr. Bridget Amory
 - A. Field Trips **Action Item** (Attachment)
 - B. AP Government Textbook Adoption **Action Item**
10. **School Climate – Dr. Jason Peel**
 - A. First Read of Board Policy 5404 Student Code of Conduct Secondary Schools (Attachment)
 - B. First Read of Board Policy 5414 Student Code of Conduct Elementary Schools Grades K through 5 (Attachment)
11. **Morris Early Childhood Security**
12. **Administrative Services – Dr. Glen Stevenson**
 - A. Buildings, Grounds, and Operations
 1. Second Read of Board Policy 3101 Facilities Management (Attachment)
13. **Adjournment to Executive Session**
 - A. Personnel Matters – See 29 Del. C § 10004(b)(9)
 1. Discussion of the Personnel Report and the competencies of staff recommended for hire
14. **Personnel – Dr. Jason Peel**
 - A. Personnel **Action Item** (Attachment)
15. **Adjournment**

MILFORD SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR MEETING – JUNE 18, 2018
MILFORD CENTRAL ACADEMY CAFETERIA

Board Members

Mrs. Wiley – President
Mrs. Dennehy –V. President
Mr. Emory
Mr. Evans
Ms. Kirby
Mrs. Purcell
Mr. Schelhouse
Dr. Dickerson, Exec. Secretary

Admin. Present

Dr. Peel
Dr. Amory
Mrs. Croce
Ms. Manges
Dr. Stevenson
Mrs. Hallman
Dr. Carnevale
Mr. Snyder
Dr. Kilgore

Public

S. Whaley
K. Stahl
S. Buford
J. Miller
D. Vezmar
G. Mason
E. Elder
F. Hazzard
J. Rodgers
G. Markowitz
E. Rust

Media: Terry Rogers, Milford Live

The Regular Meeting of the Milford Board of Education was called to order by President Wiley at 6:05 pm on Monday evening, June 18, 2018 in the Milford Central Academy Cafeteria.

ROLL CALL

Mrs. Dennehy arrived at 6:08 pm.

ADJOURNMENT TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL AND STUDENT MATTERS.

A. Personnel Matters – See 29 Del. C §10004(b)(9)

MOTION MADE BY MRS. PURCELL/SECONDED BY MR. EMORY to adjourn into Executive Session at 6:06 pm. **Motion carried unanimously.**

MOTION MADE BY MRS. DENNEHY/SECONDED BY MR. EVANS to adjourn Executive Session at 7:00 pm. **Motion carried unanimously.**

INTRODUCTION OF VISITORS

PLEDGE OF ALLEGIANCE

MOTION MADE BY MRS. PURCELL/SECONDED BY MR. SCHELHOUSE to approve the minutes of the May 21, 2018 Regular Board Meeting. **Motion carried unanimously.**

RECOGNITION AND ACCOMPLISHMENTS

Sharon's Gift

As a legacy, family of the late Sharon Bailey, a long-time Milford School District Employee, have established the Sharon Bailey fund to assist volunteers with obtaining the proper security clearance to tutor and assist students in our schools.

MHS Odyssey of the Mind

Milford High School's Odyssey of the Mind team placed 1st in the state and 7th at the World Finals competition held in Iowa State University. Team members included Caleb Brownstein, Ry-ana Johnson, Bethany Pasmore, Donald Pasmore, Welinton Rosario, and Delaney Dillon.

Year of Kindness – MCA

Ms. Elizabeth Elder, Ms. Felicia Hazzard, and Mr. Jack Rodgers presented Milford Central Academy's Life Skills Class Year of Kindness activities during the school year.

Employees of the Year

The Employees of the Year were recognized during the District End of the Year Celebration.

Custodian – Keith Kendzierski

Maintenance – David Weaver

Child Nutrition – Wanda Jackson-Sample

Technology – Patrick Seibel

Secretary – Laurel Pastor

Related Services – Valarie Carter

School Counselor – Mike Sharp

School Nurse – Ann Marie Nash

Paraprofessionals: Ross – Lisa McQueen – District Paraprofessional of the Year

Morris – Diane O'Hara

Banneker – Duvanel Louis

Misphillion – Darlene Groce

MCA – Kristine Phillips

MHS – Valerie Newsome

Teachers: MHS – Veronica Evans – District Teacher of the Year

Morris – Erin Lukas

Banneker – Devon Burtelle

Misphillion – Brittney Campbell

Ross – Brittany Johnson

MCA – Judith Bruns

Layton Builders, Inc.

Dr. Dickerson thanked Ted Layton, Layton Builders, Inc., for donating the billboard displaying our District Teacher of the Year south of Route 1.

Recognition of Board Members

Dr. Dickerson thanked and presented a service recognition award to Hunter Emory and Sharon Kirby for their 5 years of service on the Milford School Board.

SUPERINTENDENT REPORTS

Morris Early Childhood Center

Mrs. Hallman, Principal, reported that Field Day was enjoyed by everyone attending. Students really enjoyed Funland in Rehoboth for their end of year celebration.

Dr. Dickerson read a letter from Erin Weaver, Statewide Program Coordinator of the Division for the Visually Impaired Education Unit, thanking Mrs. Hallman, Dr. Stevenson, and the custodial staff for the use of the facilities at Morris Early Childhood Center for their monthly Family Night.

Benjamin Banneker Elementary

Dr. Kilgore, Principal, stated the Family Picnic was well attended. The National Elementary Honor Society enjoyed a fun day at the Salisbury Zoo. Banneker held its annual "Safe Summer Kick-Off" on June 5th with Officer Bloodsworth coordinating various community agencies to do presentations to remind students how to be safe over the summer. The Girls on the Run provided snacks and cards for all the agencies that presented and also the Milford Police Department. Band students were outstanding at the Band Concerts. The 5th grade Promotion Ceremony recognized an excellent class of fifth graders.

Central Academy

Dr. Dickerson thanked Dr. Carnevale for her leadership and guidance during her tenure as Principal in the Milford School District. Dr. Carnevale, Principal, expressed congratulations to the Class of 2022 on their 8th Grade Award Ceremony and accomplishments. The Band and Chorus went to Hershey Park and performed. Congratulations to the FFA grades 7-8 AgriScience team (Animal Systems) for their first place finish in their category at the Agriscience Fair competition held at Delaware State University. They had the highest score of all the competitors earning them a trip to the Regionals in September.

Milford High School

Mr. Snyder, Principal, stated many awards were given during the Senior Awards Ceremony. The FFA continues to participate and win awards. Emily Sylvester earned a \$500 award for her help with two blood drives she lead during the school year. Mr. Snyder thanked Mrs. Caccamise for her dedication and organization with PBS. Mrs. Frampton, Health and PE teacher, received a grant from the Delaware Food Bank to create an additional location at Milford High School. The stands were full for graduation; it was a wonderful evening for all.

BUSINESS

Tax Rate Presentation

Mrs. Croce presented the FY 19 Tax Rate Projections.

A Public Meeting will be held on Tuesday, June 26, 2018 at 6 pm at Ross Elementary School.

MOTION MADE BY MR. EVANS/SECONDED BY MR. EMORY to approve the Revenue and Expenditure Reports as of May 31, 2018. **Motion carried unanimously.**

MOTION MADE BY MRS. DENNEHY/SECONDED BY MRS. PURCELL to approve the Fiscal Year 2019 Preliminary Budget. **Motion carried unanimously.**

MOTION MADE BY MRS. DENNEHY/SECONDED BY MR. EVANS to approve the School Resource Officer (SRO) contract. **Motion carried unanimously.**

Morris Early Childhood Center Security

The District would like to increase security at Morris and will be discussing security options with the board in July.

PERSONNEL

MOTION MADE BY MRS. PURCELL/SECONDED BY MRS. DENNEHY approve Board Policy 4309D Approved Limited Contracts for Personal Services. **Motion carried unanimously.**

Personnel Reports

RESIGNATION

REECE, Christine
High School – School Counselor
Effective: August 31, 2018
Years of Service to MSD: 4

GIBBS, Brandon
Morris – P/T Paraprofessional
Effective: June 30, 2018
Years of Service to MSD: 3

MORITZ, Shelbi
Central Academy – ESL Teacher
Effective: June 30, 2018
Years of Service to MSD: 1

MCGINLEY, Michael
High School – Science Teacher
Effective: June 30, 2018
Years of Service to MSD: 2

GERKEN, Kristin
Mispillion – Elementary Teacher
Effective: June 30, 2018
Years of Service to MSD: 7

RECOMMEND FOR EMPLOYMENT – PROFESSIONAL CONTRACT*

WELDON, Latosha
Morris – Kindergarten Teacher
Effective: August 22, 2018

CHRISTIE, Lauren
Morris – Kindergarten Teacher
Effective: August 22, 2018

BROWNSTEIN, Molly
Banneker – Elementary Teacher
Effective: August 22, 2018

KREMPASKY, Melissa
District – Speech Language Pathologist
Effective: August 22, 2018

SHOCKLEY, Peyton
High School – Math Teacher
Effective: August 22, 2018

DEAN, Colleen
Morris – School Nurse
Effective: August 22, 2018

Rains, Tangela
Morris – Pre-K Teacher
Effective: August 22, 2018

RECOMMEND FOR EMPLOYMENT – ADMINISTRATIVE CONTRACT

MESSICK, Jodi
Morris – Assistant Principal with one-year contract ending June 30, 2019
Effective: July 1, 2018

BRUNS, Judith
Central Academy – Assistant Principal with one-year contract ending June 30, 2019
Effective: July 1, 2018

RECOMMEND FOR EMPLOYMENT

SCARBOROUGH, Kelly
High School – Secretary
Effective: June 25, 2018

TRANSFER

MCPIKE, Andrea
Transfer from Morris Kindergarten Teacher to High School Special Education Teacher
Effective: August 27, 2018

KENDZIERSKI, Keith
Transfer from Ross Night Custodian to Morris Night Custodian
Effective: July 1, 2018

SMITH, Craig
Transfer from Central Academy Night Custodian to Central Academy Night Lead Custodian
Effective: July 1, 2018

RECOMMEND FOR EMPLOYMENT – SUMMER SCHOOL

Recommend for employment in summer school, contingent upon funding and enrollment:

Teacher

Strickland, Shaun
Vezmar, Heather

Parsley, Don
Duffy, Tenesha

Paraprofessional

Timm, Christopher

Duffy, Tyniece

Substitutes

Phillips, Kristine
Baylis, Bryce

McPike, Andrea
O'Bier, Louise

RECOMMEND EMPLOYMENT – 2017-2018 LIMITED CONTRACTS FOR PERSONAL SERVICES*

High	Advisor, Educators Rising	Chorman, Molly
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RECOMMEND EMPLOYMENT – 2018-2019 LIMITED CONTRACTS FOR PERSONAL SERVICES*

Banneker	Advisor, Honor Society	French, Nathan/Baylis, Brice
Banneker	Advisor, Student Council	Mauil, Karlin/Sapp, Susan
Banneker	Instructional Coach, Expressives	Branner, Mariana
Banneker	Instructional Coach, Grade 1	Walters, Kristin
Banneker	Instructional Coach, Grade 2	Burtelle, Devon
Banneker	Instructional Coach, Grade 3	Smith, Heather
Banneker	Instructional Coach, Grade 4	French, Nathan
Banneker	Instructional Coach, Grade 5	Mauil, Karlin
Banneker	Girls on the Run	Norman, Jen
Mispillion	Advisor, Honor Society	Warnock, Shannon
Mispillion	Advisor, Student Council	Hickman, Julie
Mispillion	Instructional Coach, Expressives	Luff, Liz
Mispillion	Instructional Coach, Grade 1	Lau, Debbie
Mispillion	Instructional Coach, Grade 2	Zeveney, Toni
Mispillion	Instructional Coach, Grade 3	Nichols, Jen
Mispillion	Instructional Coach, Grade 4	Sharp, Kelly
Mispillion	Instructional Coach, Grade 5	McKee, Deanna
Morris	Instructional Coach, Kindergarten	Allen, Erika
Morris	Instructional Coach, Kindergarten	Layton, Janelle
Morris	Instructional Coach, Kindergarten	Meszaros, Christina
Morris	Instructional Coach, Pre-K	Lukas, Erin
Ross	Advisor, Honor Society	Lingo, Jay
Ross	Advisor, Student Council	Baird, JoAnn
Ross	Instructional Coach, Expressives	Fitzpatrick, Karen
Ross	Instructional Coach, Grade 1	Plummer, Starla
Ross	Instructional Coach, Grade 2	Muir, Kelley
Ross	Instructional Coach, Grade 3	Davis, Sara
Ross	Instructional Coach, Grade 4	Potter, Jodi
Ross	Instructional Coach, Grade 5	Davis, Michele
Central	Volleyball Girls Coach, Head	Howard, Donovan
Central	Field Hockey Coach, Asst.	McKee, Marcy
Central	Soccer Coach, Asst.	Kemmerlin, Prince (21B)
High	Cross Country Coach, Asst.	Skinner, Lance (21B)
High	Soccer Coach, Asst.	Evans, Ed
High	Volleyball, Girls Coach, Head	Motter, Heather
High	Volleyball, Girls Coach, Asst.	Rieley, Lauren
High	Basketball, Boys Coach, Head	Shorts, Lamarr
High	Advisor, BPA	Parker, Rose
High	Advisor, DECA	Emory, Judy
High	Advisor, FFA	Rill, Aaron/Walton, Caitlin/Stahl, Christopher
High	Advisor, Student Gov. Assoc. (SGA)	Lynch, Kate
High	Advisor, HOSA	McMillan, Leslie
High	Advisor, Educators Rising	Chorman, Molly
High	Advisor, Honor Society	Delaney, Amy
High	Advisor, Junior Class/Prom	Kimmel, Dawn (21B)
High	Advisor, Senior Class	Lynch, Kate
High	Advisor, Sophomore Class	Harrington, Tina (21B)
High	Advisor, Tech. Student Assoc. (TSA)	Streck, Michael
High	Advisor, Varsity Club	Frketic, James
High	Asst. Band Director	Thompson, Jeff

High	Band Director	Smith, Christine
High	Instructional Coach, Business/CTE	Parker, Rose
High	Instructional Coach, English	Buford, Seth
High	Instructional Coach, Foreign Language	Morgan, Cameron
High	Instructional Coach, Math	Nauman, Maire
High	Instructional Coach, Physical & Drivers Ed	Frampton, Amanda
High	Instructional Coach, Social Studies	Evans, Veronica
High	Instructional Coach, Technology Ed/Ag/CTE	Stahl, Christopher
High	Instructional Coach, Visual & Performing Arts	Smith, Christine
High	Coordinator, Band Front (Color Guard)	Gott, Angela
High	Theatrical Choreography	Gott, Angela
High	Theatrical Drama/Musical Director	Meiklejohn, Carissa
High	Theatrical Pit Conductor	Smith, Christine
High	Theatrical Produce, Fall & Spring	Snyder, Erica
High	Theatrical Stage/Set	Evans, Ed

*Employment at Milford School District is contingent upon employment verification, education and other credential verifications, the receipt of satisfactory criminal background and child protection registry checks, and adherence to Milford School District policies.

MOTION MADE BY MR. SCHELHOUSE/SECONDED BY MRS. DENNEHY that the Board approve the Personnel Report as written. **Motion carried unanimously.**

INSTRUCTION AND STUDENT PROGRAMS

Director of Student Learning

MOTION MADE BY MRS. PURCELL/SECONDED BY MRS. DENNEHY to approve the field trips as presented. **Motion carried unanimously.**

Director of Student Services

Mrs. Manges gave an update on the 12-month programs for students.

ADMINISTRATIVE SERVICES

Buildings, Grounds and Operations

Facilities Management Board Policy 3101

This policy will be on the July agenda.

Dr. Stevenson thanked the City of Milford for their continuous support of the Milford School District's Operations Department.

ADJOURNMENT

MOTION MADE BY MS. KIRBY/SECONDED BY MR. EMORY that the Regular Meeting of the Milford Board of Education held on Monday, May 21, 2018 adjourn at 8:32pm. **Motion carried unanimously.**

Kevin Dickerson, Executive Secretary

Edna Rust, Recording Secretary



HOME of the BUCCANEERS

ADMINISTRATION

Kevin A. Dickerson, Ed.D.
Superintendent

Bridget R. Amory, Ed.D.
Director of Student Learning

Sara E. Croce, MBA
Chief Financial Officer

Laura L. Manges, M.Ed.
Director of Student Services

J. Jason Peel, Ed.D.
Director of Human Resources
and School Climate

Glen E. Stevenson, Ed.D.
Supervisor of Buildings/Grounds

BOARD OF EDUCATION

Renate K. Wiley
President

K. Yvette Dennehy
Vice President

Ronald T. Evans

Jason M. Miller

Judith C. Purcell

Marvin P. Schelhouse

David S. Vezmar

Mailing Address
906 Lakeview Avenue
Milford, DE 19963

Telephone
(302) 422-1600

Fax
(302) 422-1608

Website
www.milfordschooldistrict.org

July 12, 2018

Milford School District
906 Lakeview Avenue
Milford, DE 19963

Ms. Patricia Faucett
Sussex County Receiver of Taxes
P.O. Box 429
Georgetown, DE 19947

Dear Ms. Faucett:

On July 9, 2018 the Milford School District Board of Education approved the following tax rates for Fiscal Year 2019. Please note that the district completely eliminated its capitation tax. **Please ensure that no capitation taxes are assessed for the Milford School District.** The district authorizes that you collect from the district assessment list the following:

The tax rate of \$4.9145 on every one hundred dollars of the assessment.

<u>TAX DISTRIBUTION</u>	<u>REAL</u>	<u>CAP</u>
Local Operations	3.2188	0
Debt Service	0.5022	0
Tuition	1.1171	0
Match Tax	0.0764	0
Total	\$4.9145	\$0

PRESIDENT, MILFORD BOARD OF EDUCATION

ATTEST: _____
MSD CFO

The Milford School District is an Equal Opportunity Employer and does not discriminate in employment or in educational programs, services or activities on the basis of race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or upon any other categories protected by federal, state, or local law. The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Personnel, 906 Lakeview Avenue, Milford, DE 19963, telephone 302-422-1600.



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Kevin A. Dickerson, Ed.D.
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July 12, 2018

Milford School District
906 Lakeview Avenue
Milford, DE 19963

Ms. Sue Willson
Kent County Receiver of Taxes
555 Bay Road
Dover, DE 19901

Dear Ms. Willson:

On July 9, 2018 the Milford School District Board of Education approved the following tax rates for Fiscal Year 2019. Please note that the district completely eliminated its capitation tax. **Please ensure that no capitation taxes are assessed for the Milford School District.** The district authorizes that you collect from the district assessment list the following:

The tax rate of \$1.7390 on every one hundred dollars of assessed value.

<u>TAX DISTRIBUTION</u>	<u>REAL</u>	<u>CAP</u>
Local Operations	1.1390	0
Debt Service	0.1777	0
Tuition	0.3953	0
Match Tax	0.0270	0
Total	\$1.7390	0

PRESIDENT, MILFORD BOARD OF EDUCATION

ATTEST: _____
MSD CFO

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Milford School District

Public Tax Rate Discussion

July 9, 2018

School Tax Rate

- Four separate components
 - Current Expense
 - Debt Service
 - Match Tax
 - Tuition Tax

Current Expense

- This tax rate provides revenue to cover operating costs, such as teaching materials, textbooks, technology, insurance, athletic and academic programs, and local salary expenditures, etc.
- No changes can occur to the approved rate unless passed through referendum
- Current funding structure requires districts to plan for and save to allow many years with no operational revenue increases
- State requires districts to keep a “reserve” to insure local obligations including payroll can be met in the event of a fiscal downturn

Current Expense

- **Current Expense Referendum set rate on October 6, 2015**
 - **Rate will remain unchanged for Fiscal Year 2019**
 - **Rate for Fiscal Year 2019**
 - **Sussex: 3.2188**
 - **Kent: 1.1390**

Debt Service

- This tax rate provides revenue to pay principal and interest payment associated with bonds sold for major capital improvements, such as new construction, additions and renovations
- Set by referendum vote for capital projects
- Rate fluctuates annually depending on bond payment schedule

Debt Service

- **Continue Aggressive Progression**
 - **Revenue needed for FY 2019 - \$1,270,000.00**
 - **Rate**
 - **0.5022 Sussex County**
 - **0.1777 Kent County**

Match Tax

- Match Taxes Available to assess
 - **Minor Capital Improvement**
 - Extra Time
 - Technology
 - Reading Specialists
 - Math Specialists
 - Reading Interventionist (FY 19)
- Set by the local board of education and does not require referendum approval
- Milford is currently only assessing the Minor Capital Improvement match tax in order to receive the state funding for building and grounds repairs and maintenance
- Rate
 - 0.0764 Sussex County
 - 0.0270 Kent County

Tuition Tax

- This tax rate provides revenue to pay the tuition costs of Milford School District students with special needs who require specialized services within the district or who must attend special schools within and outside of the State of Delaware
- Continue to implement strategies to stabilize Tuition Tax expenses
- Have expanded in-district program offerings
- Maintain contingency to offset sharp increases in any one fiscal year
- Rate
 - 1.1171 Sussex County
 - 0.3953 Kent County

Capitation Tax

- Has not been assessed by Milford School District since 2005
- Provides a tax for every resident of the district over the age of 18
- Must go to referendum vote to re-implement
- Levied on property owners

State Budget

- Fiscal Year 2019 state budget will not impact our local tax rates
- State budget process provided a level of certainty that we did not have at this time last year
- Fiscal Year 2019 budget proposal does not restore loss of State funds from Fiscal Year 2018
 - FY 18 Total Loss of State Funds \$728,789.71
 - Budget reduction plan will be submitted to the state to offset state loss of funds

Equalization

- **Milford School District is spilt between Kent and Sussex Counties**
- **The Assessment-to-Sales Ratio Study for Division III Equalization Funding report is used as a means of “equalizing” tax rates**
- **Formula is applied so that an identical property in Kent or Sussex County is taxed the same**
- **Assessed values in Kent County are higher than in Sussex County**
 - **Rate is lower, but tax is the same**



What is Assessed Value?

- **The value of your home on which your property taxes are calculated**
- **Calculated by respective County tax assessment office**
- **Based on formula from 1974 in Sussex; 1986 Kent County (last property reassessment)**
- **No direct correlation between assessed value and market value**
- **Assessed value can be found by searching for your name on the following county websites:**

[Sussex County Property Tax Information](#)

[Kent County Property Tax Information](#)

Fiscal Year 2018 (Current) Tax Rates by County

Sussex County

CATEGORY	FY 2018
CURRENT EXPENSE	\$ 3.2188
TUITION	\$ 1.1683
DEBT SERVICE	\$ 0.5181
MATCH TAX - MCI	\$ 0.0789
MATCH TAX - EXTRA-TIME	\$ -
MATCH TAX - TECHNOLOGY	\$ -
MATCH TAX - READING SPECIALISTS	\$ -
MATCH TAX - MATH SPECIALISTS	\$ -
TOTAL TAX RATE	\$ 4.9841

Kent County

CATEGORY	FY 2018
CURRENT EXPENSE	\$ 1.1390
TUITION	\$ 0.4134
DEBT SERVICE	\$ 0.1833
MATCH TAX - MCI	\$ 0.0279
MATCH TAX - EXTRA-TIME	\$ -
MATCH TAX - TECHNOLOGY	\$ -
MATCH TAX - READING SPECIALISTS	\$ -
MATCH TAX - MATH SPECIALISTS	\$ -
TOTAL TAX RATE	\$ 1.7636

Fiscal Year 2019 Tax Rates by County

Sussex County

CATEGORY	FY 2019
CURRENT EXPENSE	\$ 3.2188
TUITION	\$ 1.1171
DEBT SERVICE	\$ 0.5022
MATCH TAX - MCI	\$ 0.0764
MATCH TAX - EXTRA-TIME	
MATCH TAX - TECHNOLOGY	
MATCH TAX - READING SPECIALISTS	
MATCH TAX - MATH SPECIALISTS	
TOTAL TAX RATE	\$ 4.9145

Kent County

CATEGORY	FY 2019
CURRENT EXPENSE	\$ 1.1390
TUITION	\$ 0.3953
DEBT SERVICE	\$ 0.1777
MATCH TAX - MCI	\$ 0.0270
MATCH TAX - EXTRA-TIME	
MATCH TAX - TECHNOLOGY	
MATCH TAX - READING SPECIALISTS	
MATCH TAX - MATH SPECIALISTS	
TOTAL TAX RATE	\$ 1.7390

The purpose of this presentation is to provide information and projections related to the Fiscal Year 2019 tax rates. The figures presented are subject to change.

Fiscal Year 2019 Tax Rates by County

Sussex County

CATEGORY	FY 2018	FY 2019	CHANGE	
CURRENT EXPENSE	\$ 3.2188	\$ 3.2188	\$ -	0.0%
TUITION	\$ 1.1683	\$ 1.1171	\$ (0.0512)	-4.6%
DEBT SERVICE	\$ 0.5181	\$ 0.5022	\$ (0.0159)	-3.2%
MATCH TAX - MCI	\$ 0.0789	\$ 0.0764	\$ (0.0025)	-3.3%
MATCH TAX - EXTRA-TIME	\$ -		\$ -	
MATCH TAX - TECHNOLOGY	\$ -		\$ -	
MATCH TAX - READING SPECIALISTS	\$ -		\$ -	
MATCH TAX - MATH SPECIALISTS	\$ -		\$ -	
TOTAL TAX RATE	\$ 4.9841	\$ 4.9145	\$ (0.0696)	-1.3%

Fiscal Year 2019 Tax Rates by County

Kent County

CATEGORY	FY 2018	FY 2019	CHANGE	
CURRENT EXPENSE	\$ 1.1390	\$ 1.1390	\$ -	0.0%
TUITION	\$ 0.4134	\$ 0.3953	\$ (0.0181)	-4.4%
DEBT SERVICE	\$ 0.1833	\$ 0.1777	\$ (0.0056)	-3.1%
MATCH TAX - MCI	\$ 0.0279	\$ 0.0270	\$ (0.0009)	-3.2%
MATCH TAX - EXTRA-TIME	\$ -		\$ -	
MATCH TAX - TECHNOLOGY	\$ -		\$ -	
MATCH TAX - READING SPECIALISTS	\$ -		\$ -	
MATCH TAX - MATH SPECIALISTS	\$ -		\$ -	
TOTAL TAX RATE	\$ 1.7636	\$ 1.7390	\$ (0.0246)	-1.3%

Assessed Value Comparison



House 1

- Located in MSD - Kent County
- Last Property Assessment - 1986
 - Assessed Value \$57,934
- Milford School District FY 19 Tax Bill \$1,007.47 annually or \$83.96 per month



House 2

- Located in MSD - Sussex County
- Last Property Assessment - 1974
 - Assessed Value \$20,500
- Milford School District Tax Bill \$1,007.47 annually or \$83.96 per month

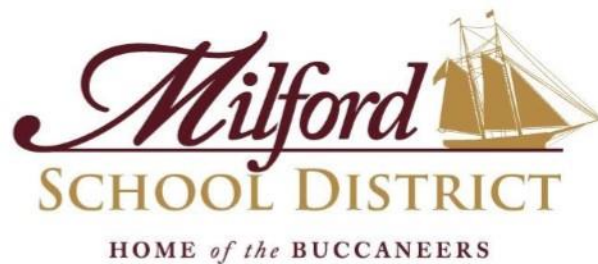
Projected FY 2019 Tax Rate

Kent County Assessed Value Examples

Kent Assessed Value Examples	29,250	57,934	86,478	114,456
Kent FY 2018 Tax (current)	\$ 515.85	\$1,021.72	\$1,525.13	\$2,018.55
Kent FY 2019 Projected Tax	\$ 508.66	\$1,007.47	\$1,503.85	\$1,990.39
Difference FY 2018 vs. Projected FY 2019	\$ (7.20)	\$ (14.25)	\$ (21.27)	\$ (28.16)

Sussex County Assessed Value Examples

Sussex County Assessed Value	10,350	20,500	30,600	40,500
Sussex FY 2018 Tax (current)	\$ 515.85	\$1,021.74	\$1,525.13	\$2,018.56
Sussex FY 2019 Projected Tax	\$ 508.65	\$1,007.47	\$1,503.84	\$1,990.37
Difference FY 2018 vs. Projected FY 2019	\$ (7.20)	\$ (14.27)	\$ (21.30)	\$ (28.19)



906 Lakeview Avenue Milford, DE 19963
Phone: (302) 422-1600

July 9, 2018

FY 2018-19 SCHEDULE OF BOARD MEETINGS

July 9, 2018	7 PM	Reorganization Meeting/Regular Meeting
July 30, 2018	7 PM	Regular Meeting
August 20, 2018	7 PM	Regular Meeting
September 17, 2018	7 PM	Regular Meeting
October 15, 2018	7 PM	Regular Meeting
November 19, 2018	7 PM	Regular Meeting
December 17, 2018	7 PM	Regular Meeting
January 28, 2019	7 PM	Regular Meeting
February 19, 2019	7 PM	Regular Meeting
March 18, 2019	7 PM	Regular Meeting
April 15, 2019	7 PM	Regular Meeting
May 20, 2019	7 PM	Regular Meeting
June 17, 2019	7 PM	Regular Meeting
July 8, 2019	7 PM	Reorganization Meeting/Regular Meeting

School	Board Approve	In-State	Out-of-State	Grade	Subject	Date of Trip	Destination	Teachers	# of Students	Cost per student	Overall Cost
Morris		X		K	Science	4/15,16,17,18,19, 2019	Abbott's Mill	All K Teachers	40 per session		
Morris		X		K	PBS End of Year	June 7, 2019	Funland-Rehoboth Beach	All K Teachers	315		
Morris		X		K	ELA	Feb. 22, 2019	Central Middle-Henry and Mudge	All K Teachers	315		
Morris		X		K	ELA/Science	Feb. 22, 2019	Fifer's Orchards	All K Teachers	315		
Banneker		X		1st	Social Studies	March 2019	DE AG Museum	1st grade+SpecEd	122	\$4.00	
Banneker		X		1st	Science	Apr 15,16,17,2019	Abbott's Mill	1st Grade team	95		
Banneker		X		1st/Specials	Performing Arts	Fall/Winter	Dover High	1st grade team	95		
Banneker		X		2nd	Social Studies	May 2019	Dickinson Plantation	2nd grade	100	\$5.00	
Banneker		X		2nd	Science	April 2019	Abbott's Mill	2nd grade	100	\$4.00	
Banneker		X		3rd	Social Studies	Spring 2019	Abbott's Mill	3rd grade	100		
Banneker		X		3rd	Social Studies	Winter	Grotto's - Milford	3rd grade	100		
Banneker		X		4th	Social Studies	May 19, 2019	DE Natural History Museum	4th	120		
Banneker		X		4th	Science	Nov 2018	DE Natural History Museum	4th	120		
Banneker		X		4th	Science	9/13,14/2018	Abbott's Mill	4th	120		
Banneker		X		5th	Social Studies	April 12, 2019	Downtown Dover	5th	90		
Banneker		X		5th	Science	5/17,18/2019	Abbott's Mill /Slaughter Beach	5th	90	\$3.00	\$270.00
Banneker		X		5th	ELA	Winter 2018	Wilm., DuPont Theater of Dover	5th	90	\$10.00	\$900.00
Banneker			X	1st	Science	Spring 2019	Salisbury Zoo	1st grade team/Vezmar	120		
Banneker			X	5th	Social Studies	Fall 2018	Federal Reserve	Baylis,Martin,Maull,Sapp	90	\$14.00	\$1,300.00
Misphillion			X	1st	Science	May 2019	Salisbury Zoo	Blizzard/1st grade team			
Misphillion			X	5th	Social Studies		Philadelphia, PA	5th grade	110		
Misphillion			X	5th	PBS End of Year	May 9, 2019	Perdue Stadium, Salisbury, MD	5th grade	`100	\$8.00	\$1,400.00
Ross		X		3rd-5th	T.E.A.M.	June 27, 2018	Kalmar Nyckel, Wilmington, DE	Dr. Gaglione	35	\$25	
Ross		X		3rd-5th	T.E.A.M.	July 11, 2018	Ft. Miles @ Cape Henlopen State Park	Dr. Gaglione	35	\$15	
Ross		X		3rd-5th	T.E.A.M.	August 8, 2018	FunLand - Rehoboth Beach	Dr. Gaglione	35	\$20.00	
MCA			X	7th-8th	Ag Education	Sept 13-15, 2018	Springfield, MA	Bruns	2	\$50.00	\$417.00
MCA			X	7th-9th	Agriscience	Oct 23-27, 2018	Indianapolis, IN	Bruns	6-11	\$100.00	
MCA			X	6th	LA, Science, SS	Oct/Nov 2018	The National Zoo	6th Grade	240-280	\$20-\$25	\$6,000
MCA		X		6th-8th	Agriscience	March 6-8, 2019	FFA Leadership Conference, Dover	Bruns	24	\$50.00	\$2,400
MCA			X	8th	Music	May 31, 2019	Kings Dominions, Doswell, VA	Thompson/Keefer	100	\$95.00	\$9,500
MHS			X	9th-12th	Agriculture Structures	Fall 2018/Spring 2019	Universal Tech Institute, PA	C. Stahl	30-40	\$0	
MHS		X		9th-12th	Student Government	Sept 6, 2018	Camp Arrow Head		30-40	\$20	\$660
MHS			X	9th-12th	FFA	Sept 13-16, 2018	Springfield, MA	Stahl, Walton, Rill	6	TBD	
MHS			X	9th-12th	BFM	Sept 2018	Wall Street Walk	R.Parker	33	\$20.00	\$1,500
MHS		X		9th-12th	FFA Leadership	Oct 2,3, 2018	Cape Henlopen State Park	Stahl, Walton, Rill	6	\$30	\$540.00
MHS		X		9th-12th	Marketing/DECA	Oct 9, 2018	Del State-Fall Leadership Conference	Emory	5		\$725
MHS			X	9th-12th	FFA	Oct 22-28, 2018	Indianapolis, IN - National FFA Convention	Stahl, Walton, Rill	4	TBD	
MHS		X		9th-12th	Teacher Academy	Oct 2018	Delaware State University	Chorman	10		
MHS		X		9th-12th	BFM	Oc 2018	Goldey-Beacom, Wilmington, DE	R.Parker	45	\$20	\$700
MHS		X		9th-12th	BFM	Oct 2018	BPA Leadership Conf - Dover, DE	R.Parker	7	\$20	\$315
MHS			X	9th-12th	FFA	Jan 7-11, 2019	PA Farm Show, Harrisburg, PA	Stahl, Walton, Rill	40	\$25	\$1,000.00
MHS		X		10th-12th	Teacher Academy	Jan 2019	Avenue Pre-School	Chorman	25		
MHS		X		9th-12th	Agriscience Leadership	Jan 25, 2019	IMAGED Conference, Dover	Stahl, Walton, Rill	6	\$20.00	\$120.00
MHS		X		9th-12th	FFA	Feb 4, 2019	Smyrna HS	Stahl, Walton, Rill	6		
MHS			X	9th-12th	Animal Sci/Food Sci	Feb 2019	Sudlersville Meat Locker, MD	Stahl	4	\$0	
MHS		X		9th-12th	BFM	Feb 25, 2019	BPA Leadership Conf - Dover, DE	R.Parker	10	\$45	\$900
MHS		X		9th-12th	BFM	Feb 2019	BPA State Testing-Lake Forest HS	R.Parker	10	\$45.00	\$900
MHS			X	9th-12th	Student Government	Feb 1-3, 2019	LEAD Conference, Washington DC	K.Lynch	4-6	\$0.00	\$2,074

[illegible]

**MILFORD SCHOOL DISTRICT
POLICY 5404**

**STUDENT CODE OF CONDUCT
SECONDARY SCHOOLS**

**CHAPTER I
INTRODUCTION AND STUDENT EXPECTATIONS**

INTRODUCTION

The Milford School 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, constructive student behavior. Therefore, the Board has developed this policy statement:

1. Students in the Milford 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 pupils.

CODE OF CONDUCT REVIEW

The Student Code of Conduct Central Academy and High School is an official policy of the Milford School District Board of Education. The Board of Education expects that this Code will be subject to ongoing review and revision in response to:

1. Administrative, staff, student, and parent suggestions;
2. Legal interpretation; and
3. Annual Review

CODE OF CONDUCT DISSEMINATION

On an annual basis:

1. A copy of the student code of conduct shall be posted on the school website and a copy given to each student.
2. Students receive training in the discipline system at the beginning of each school year and as changes occur.
3. Administration and staff receive annual training based upon current district policies and procedures as well as changes in Regulation.

STUDENT EXPECTATIONS

Students are expected to:

1. Conduct themselves in an orderly, safe and responsible manner.
2. Attend all classes daily and on time.
3. Be prepared for class assignments and activities, with appropriate working materials.
4. Respect other people and their property.
5. Refrain from abusive language, defamatory, inflammatory, and demeaning actions.
6. Be clean and neat.
7. Be responsible for their own work.
8. Abide by rules and regulations of the school and individual classroom teachers.
9. Accept, understand, and respect diversity and differences among fellow students and staff.
10. Express feelings and needs in constructive, socially appropriate ways.
11. Resolve differences through acceptable, peaceful methods such as dialogue and compromise.

CHAPTER II

STUDENT RIGHTS AND RESPONSIBILITIES

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. **School officials have a right under the law to search students or their property whenever there is reasonable suspicion that the students have something that violates school rules or endangers the health, safety, or welfare of others. Students may be searched to maintain the ongoing educational process, to maintain order, and/or to protect people and property.** ~~Student lockers, desks and cubbies are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others. Searches shall be based upon reasonable suspicion that the student's person or property contains prohibited substances, items, or material detrimental to the health, safety and welfare of other students or staff, or in violation of the law or rules of the Student Code of Conduct.~~ **Searches may include the student and his/her locker, desk, automobile, MSD owned computing resources including all data stored on the MSD network, personal belongings,** ~~Students are responsible and accountable for the contents of all items found in their lockers, book bags, purses, or~~ any bags or containers used to carry personal property.

RIGHTS AND RESPONSIBILITIES OF POSSESSIONS

Students have the right: To privacy in their personal possessions unless the principal/designee/staff member has reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, drug paraphernalia or of a student's unauthorized possession of items which include but are not limited to: electronic device, cell phone, weapon, stolen property, unsafe item, or dangerous instruments in the school environment.

Students have the responsibility: Not to carry, conceal, or possess any materials which are illegal, disruptive, dangerous, or offensive to others. Cell phones and other electronic devices must have the power turned off and be out of sight during the school day from the time the student arrives on school grounds until the end of the school day and on the bus. Cell phone use during the school day within the school building, school grounds and/or school buses is prohibited. **The District is not responsible for a cell phone or electronic device, which may be lost or stolen.**

Lockers: The District presumes a student possesses, and is responsible for, all items found in the student's locker. Students should regularly check the contents of lockers. If students fail to lock lockers, or provide others access to personal lockers, students remain responsible for items found in personal lockers. ~~Student lockers are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others.~~

Bookbag/Purse: The District presumes a student possesses, and is therefore responsible for, all items found in the student's bookbag, purse, or similar bag or container used to carry books or personal property (referred to as "bookbag"). Students should regularly check the contents of their bookbags. If a student fails to secure his/her bookbag, or provide others access to his/her bookbag, the student remains responsible for items found in his/her bookbag.

Motor Vehicles: The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle. This presumption applies to any motor vehicle driven to school without regard to who owns or rides in the motor vehicle. Before bringing a motor vehicle to school, or a school activity, students should carefully inspect the motor vehicle. If a student fails to lock his/her motor vehicle, or permit others access to his/her motor vehicle, the student remains responsible for items found in his/her motor vehicle.

DEBTS

Refusal to pay for lost, damaged, stolen school property or services rendered by a school program, such as but not limited to field trip fees, food, transportation or other services related to classes, student activities, and athletics. Students may petition to the school principal to set up a payment plan or other compensation plan.

Students who have a debt with the school will be barred from attending school activities including fieldtrips, Homecoming, Prom, and Commencement Ceremonies. In addition, the school shall file a claim in Justice of the Peace for restitution of all debts over \$25.

MOTOR VEHICLE POLICY

Driving to school is a privilege granted by school administration. 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 a student drives to school without regard to who owns the vehicle. Before a student brings a vehicle to school, or a school activity, he/she should carefully inspect the vehicle. If the vehicle is left unlocked or others are allowed to access to your vehicle, the student who drove the vehicle to school remains responsible for items found in the vehicle. Students should follow the rules for driving/parking cars on school grounds as follows:

1. Register all vehicles with the office.
2. Park in designated spots only.
3. Obey the 15 M.P.H. speed limit.
4. Operate the vehicle in a safe manner.
5. Upon arrival to school, student shall go directly into the building.
6. Once on school grounds, students are not to drive off the property without administrative approval.
7. Administrative approval is required for students to be in the parking lot area when school is in session. This is an unauthorized area for students during the school day.
8. No smoking on school grounds.
9. Students shall be on time for school.
10. Students must properly park in the designated student parking spaces.
11. Only junior and senior students who are legally permitted to drive without supervision may purchase registration to legally park/drive 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 assigned spaces will be given disciplinary action in accordance with the Student Code of Conduct, and/or have their vehicle towed at the owner's expense.

SKATEBOARDS/ROLLERBLADES/WHEELED SHOES

Students are not permitted to bring or use skateboards, rollerblades, or wheeled shoes in or directly around the school.

ELECTRONIC DEVICES AND CELL PHONES

Milford School District discourages students from bringing cell phones and other communication devices to school. Such devices include but are not limited to: cell phones, tablets, computers, giga pets, beepers, lasers, radios, cameras, CD players, MP3 players, electronic games, etc. Students are prohibited from using cell phones and other electronic communication devices during the school day without permission from a school official. All devices must be turned off and kept out of sight during the entire school day when it is absolutely necessary to bring the phone to school. Violators will receive disciplinary action in accordance with the Student Code of Conduct. Students who do not turn in an electronic device when requested may be considered in defiance of school authority.

DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION

A student may not participate in a practice, scrimmage, or contest during the time a suspension, either in school or out of school, is in effect or during the time the student is assigned to an alternative school for disciplinary reasons.

OMBUDSPERSON

An ombudsman is made available by the state of Delaware to act as a facilitator in resolving grievances and disputes. The Delaware Department of Justice Bully Prevention and School Crime Contact (Ombudsperson) Anonymous Tip Line is: 1-800-220-5414

CHAPTER III DISCIPLINARY PROCEDURES FOR VIOLATIONS OF STUDENT CODE OF CONDUCT

DUE PROCESS PROCEDURES

- A. All students must be informed of the violation(s) and the range of disciplinary actions. These items should be:
 - a. included in the Student Code of Conduct.
 - b. explained to students in person on a yearly basis.
 - c. disseminated in print and electronic copy.
- B. Each student involved in a situation which may result in a disciplinary action must be given the following due process by the administrator or designee:
 - a. informed of the allegations against him/her, the conduct which forms the basis of the allegation (s), and explained the policy, rule, or regulation violated
 - b. given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence, witnesses, or questions
- C. A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.
- D. Parent Notification
 - a. Parents are to be informed of incidents as soon as possible **either by phone or written notice**. When obtaining written statements from witnesses, reasonable efforts may be made to notify the parent/guardian or each witness. Reasonable efforts shall be made to include the allegedly offending student or parent/guardian in an investigation.

STUDENT INITIATED APPEAL PROCESS

It is the purpose of these appellate procedures to provide students' access to the appropriate school officials in regard to disciplinary matters.

Students or parents may only initiate the appellate process for one of the following reasons:

1. Incorrect charge
2. Incorrect action
3. Lack of due process

Penalties shall not be implemented until the student **waives his/her right to appeal**, ceases or exhausts his/her appeal, except in case of violent behavior, and except in cases under appeal to the State Board of Education.

Step 1: Student shall have option to meet/discuss with staff members their proposed disciplinary actions within one (1) school day after the charge. This informal/private process should be followed in order to resolve differences/problems in friendly and cooperative manner.

1. Student may notify parents.
2. Student may present information or interpretations on his/her own behalf.
3. Staff member shall notify student of his/her decision within one (1) school day.

Step 2: Students or parents shall have the right to informally appeal staff disciplinary action to the school principal/assistant principal within two (2) school days after the charge. The objective is to resolve the matter informally.

1. Students may notify parents.
2. Student shall inform the principal/assistant principal of the facts.
3. Student may present information or interpretations on his/her own behalf.
4. Principal or Principal's designee shall procure information from staff members.

5. Principal or Principal's designee shall notify student of his/her decision within two (2) school days.

Step 3: If the matter is not resolved satisfactorily in the above manner, a written appeal to the principal will be made within four (4) school days of the principal's decision. Any complaint made to administration by any student concerning a staff member shall be immediately brought to the staff member's attention. The principal shall conduct a parent/student conference within ten (10) school days of appeal and shall give a written decision within four (4) school days of conference. The principal shall file a copy of both the appeal and decision with the Superintendent or designee for his/her information. The principal's decision shall finally resolve the problem unless the student appeals the decision to the Superintendent or designee in writing within four (4) school days.

1. The principal or Principal's designee shall state the nature of the offense and the appeal as noted in the written student appeal.
2. The student may present any information or interpretations on his/her own behalf.
3. The student may present witnesses sufficient to present his/her case.
4. The student may cross-examine witnesses.
5. The principal or Principal's designee may obtain information independently.

Step 4: The unresolved problem will be discussed in a conference with the parents/student and the Superintendent, or in his/her absence, his/her designee. This conference will take place within four (4) school days of the receipt of the appeal. The superintendent shall provide within four (4) school days of the conference a written decision. The decision of the Superintendent shall be final, except in cases of Long Term Suspensions, which shall be final unless the student appeals the decision to the Board of Education within four (4) school days. (Appeal for Board Hearing will be in writing to the Superintendent.)

1. The Superintendent or Superintendent's designee shall state the nature of the offense and the appeal as noted in the written student appeal.
2. The student may present information or interpretations in his/her behalf.
3. The student may present witnesses sufficient to present his/her case.
4. The student may cross-examine witnesses.
5. The Superintendent or Superintendent's designee may obtain information independently.

Step 5: As required by Regulation 616, Step 5 provisions are for appeals of Long Term Suspensions only. A hearing shall be granted by the Board upon receipt of a written request signed by the student stating he/she desires a hearing. The Board shall hold a hearing with the parents/student within thirty (30) days after receipt of the appeal. The Board shall submit its written decision within ten (10) school days following the hearing. The decision of the Board shall be final unless appealed.

1. The accused student shall be apprised of his/her rights.
2. The parents or guardian of the student shall be informed of the procedures for formal hearing.
 - a. The appearance before Board of Education.
 - b. The right to be represented by legal counsel or advisor.
 - c. The right to have witnesses and to cross-examine complaining witnesses.
 - d. The right to either a public or private hearing.
 - e. The right to testify and present evidence.
 - f. The date of the proposed hearing.
3. School officials shall assure appropriate hearing records be kept and accused be provided copy of summary report.
4. The accused shall be informed by written notice of the decision rendered and the basis for such action. **Written notice will include the accused's right to appeal to the State Board of Education.**
5. The accused person shall have the right to appeal final decisions by the local district Board of Education to the State Board of Education within (30) days in accordance with State Board Regulations.

Failure of a student at any level of this procedure to appeal the decision to the next level within the specified time limits shall be deemed to be acceptance of the decision at that level. If an appeal is initiated within the last 60 days of the school year: (1) the appeal shall go directly to the Principal for final determination if the policy does not require a Board hearing for that offense; (2) the appeal shall go directly to the Board for final determination if the policy requires a Board hearing for that offense.

SUSPENSION, ALTERNATIVE SCHOOL PLACEMENT, AND EXPULSION

The Board recognizes that exclusion from the educational program of the schools, whether by suspension, alternative school placement, or expulsion is the most severe sanction that can be imposed on a student in this district and one that cannot be imposed without due process. The primary purposes of suspension are to maintain the integrity of the education process, to give students time to reflect on their school behavior, and to defuse potentially explosive situations.

Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on **any Milford School District property or at any off-campus event during the entire duration of their suspension, alternative placement, or expulsion.**

SUSPENSION FROM SCHOOL

A. Short-Term Suspension

- a. The Principal, in accordance with the rules of the district, shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district Central Review Committee/Alternative Placement Meeting decision or the district Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.
- c. Due Process will be followed as outlined in Chapter III.
- d. Students suspended out of school are expected to make up their work. It is the responsibility of the student/parent/guardian to contact the teacher for makeup work. Students' assigned in-school suspensions are required to complete their work.
- e. A student assigned to an excessive total of in-school suspensions (more than 3) may be assigned out-of-school suspension (OSS) instead of the ISS consequences prescribed in these guidelines.
- f. In all events, parents will be notified to have the student picked up from school. Students whose parents/guardians/emergency contacts cannot be reached by telephone will be retained at school until the end of the school day. However, if this is not feasible or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, or the integrity of the educational process, the necessary notice and hearing will follow as soon as possible.

B. Long-Term Suspension

- a. The Superintendent, in accordance with the rules of the district school, shall have the right to impose a Long-term Suspension on any student in the school who has violated the school's Student Code of Conduct's listed acts of misconduct as defined in **14 DE Admin. Code 614.3**. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. Prior to any Suspension from school, the initial due process procedures outlined in Chapter III shall be followed.
- c. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the districts/charters appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.
- d. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district's appeal or Grievance process.
- e. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. The conference shall be designated by the Principal, who may waive the

conference.

ASSIGNMENT TO ALTERNATIVE PROGRAM

A student may be assigned to an Alternative Program because of serious or repeated violations of the Code. Assignment to an Alternative Program is the removal of a student from the regular school program, with placement in special alternatives designed to meet the student's particular needs. A principal may refer a student for Alternative Placement:

- a. for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district school Student Code of Conduct and the student's behavior is within the defined conduct under ~~Regulation 616. 14-DE Admin. Code 614 §4112~~
- b. in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment.
- c. in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school based best practice interventions have been put into place for said student.

C. Building Level Conference

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur. The principal:

- a. shall follow due process as outlined in Chapter III
- b. shall notify the student and parent/guardian.
- c. may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- d. shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.
- e. shall hold a building level conference (by phone or in person and with a third person present) with the parent/guardian and student to inform them:
 1. of the referral for Alternative Placement
 2. that the student may be suspended and;
 3. of the procedures that will take place as follow-up to the referral for Alternative Placement.
- f. shall mail a notice of the Alternative Placement Meeting to the parent/guardian at least 5 business days before the meeting is to occur.

In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (See Appendix II)

D. Central Review Committee Meeting/District Alternative Placement Meeting

- a. The Central Review/Alternative Placement Team includes: a representative of the Alternative Program Staff, a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker
- b. A district Central Review Committee/Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.
- c. The Parent and student shall receive verbal and written notification of the district/charter school's Central Review Committee/Alternative Placement Meeting within one day of the meeting. Parents and student may, but are not required to, attend the meeting.
- d. The Parent and student shall be informed of the district/charter school Central Review

Committee/Alternative Placement Team's decision for placement within one (1) business day of the meeting.

- e. If the decision is to assign to an Alternative Placement, the Superintendent shall send follow-up written notice within three (3) business days to the Parent 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.

E. Student Assignment to Alternative Placement

- a. Milford School District contacts the Alternative Program to set up a date and time for an Intake Meeting.
- b. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.
- c. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district representative, the Alternative Program administrator, and other appropriate Alternative Program staff.
- d. A student assigned to a Consortium Discipline Alternative Program must be registered in Milford School District before the Intake Meeting is held.
- e. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and Parent signatures.
- f. During the Intake Meeting, Milford School District representative shall communicate, to all in attendance, the district/charter school's individualized goals and expectations for the alternatively placed student, including the Individualized Service Plan (ISP) under 14 DE Admin. Code 611, if applicable. The individualized goals and expectations shall be recorded on the Intake Form.
- g. The Intake Form shall be signed by all parties, copied and distributed to the student and Parent, Alternative Program administrator, and Milford School District representative and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.
- h. Milford School District shall maintain all alternatively placed students' enrollment status in Delaware Student Identification System (DELSIS) and eSchool PLUS database systems or successor Delaware Department of Education approved student database management system. A student placed in a Consortium Discipline Alternative Program shall have both an "active" and "service" status designation in DELSIS.
- i. **Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on any Milford School District property or at any off-campus events.**

EXPULSION

Only the Board of Education may expel a student from school for violation of District Policy. In general, the act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. A student will be expelled up to 180 school days and credit will not be given for courses in which a student is currently enrolled.

Re-entering: Students will begin the school year with a clean discipline record with the exception of students who have been previously expelled from school and those operating under a behavior contract that might extend into the new school year. An expelled student may re-enter school upon the completion of their term of expulsion. Parents and student are required to meet with a school administrator to review and sign a behavior contract before attending classes.

Students who end the school year with 45 or more demerits will be placed on a behavioral contract for the following school year. This includes students going from grade 8 to 9.

- F. Expulsion Process:** When a student commits a violation which may result in a recommendation for expulsion, the following procedure shall be followed.

STEP I – Investigation and Recommendation for Expulsion

1. The principal or designee investigates the violation and follows due process from Chapter III of this policy.
2. After the student has been afforded initial due process procedures, if the Principal decides that disciplinary action in the form of a recommendation for Expulsion will be made, the following procedures shall be afforded:
 - a. The student shall be given a Short-Term Suspension.
 - b. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion. The conference is held by phone or in person and notes are recorded by a second person.
3. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

STEP II – Expulsion Hearing Determination

1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation. The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
2. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (Appendix I)
 - a. Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at its next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

STEP III – Expulsion Hearing

1. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
2. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.
3. The student and Parent may also be given copies of the following: (reason for the recommendation, names of witnesses who may appear, and copies of information that may be submitted as evidence).
4. The Expulsion Hearing shall be conducted by a district Board of Education or Hearing Officer.
5. The Board of Education or Hearing Officer:
 - a. shall have full authority to admit or exclude evidence.
 - b. is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.

- c. may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
 - d. may limit unduly repetitive proof, rebuttal and cross examination.
- 6. In conducting the hearing, the district shall:
 - a. submit evidence first followed by the response of the student, if any.
 - b. allow further evidence by either party to be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.
 - c. be recorded in a manner that will permit transcription.
 - d. Not allow the Superintendent presenting the case on the part of the District to testify.
- 7. The student shall have the following rights:
 - a. To be represented by legal counsel at the student's expense;
 - b. To cross-examine witnesses;
 - c. To testify and produce witnesses on his/her behalf; and
 - d. To obtain, at the student's expense, a copy of the transcript of the hearing.

STEP IV – Expulsion Decision by Board of Education

- 1. Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent. The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.
- 2. The Board of Education shall:
 - a. conduct a review of the Hearing Officer's recommendation, the transcript and all evidence, and then may accept, reject, or modify the recommendation of the Hearing Officer.
 - b. report to the Delaware Department of Education within five (5) business days of the Board's decision to expel.
 - c. grant a decision in writing, within ten (10) business days of the decision by the Board of Education, to the Superintendent, Parent and student. The written decision shall include notice of the right to appeal to the State Board of Education. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.
 - d. notify the Delaware Division of Motor Vehicle of the beginning and ending date of Expulsion for students who are expelled from the School district/charter school as a request for suspension of driving privileges in accordance with 14 Del.C. §4130(e)(1).
 - e. forward a copy of the Delaware Division of Motor Vehicle form to the Delaware Department of Education's Office of School Climate & Discipline.

STUDENTS WITH DISABILITIES

- A. In the case of a known or suspected disabled student, as defined in federal and state regulations, being considered for expulsion or change in placement, an Individual Educational Placement (IEP), Manifestation Determination (MD) or Section 504 (as appropriate) team meeting will be convened before change in placement or expulsion.
- B. The IEP Team will determine whether (1) the alleged conduct is a manifestation the student's disability, or (2) the student's programming and placement was appropriate at the time of the offense. A disabled student's conduct is a manifestation of the disability if the IEP/MD/Section 504 Team so determines. If the IEP Team determines that the offense is a manifestation of the student's disability, the student's program and/or placement may be changed by the team, but not as a disciplinary consequence, and only to provide appropriate services and placement.
- C. If the IEP Team determines that the offense is not a manifestation of the student's disability, the principal will follow the Student Code of Conduct, and continued services and placement shall be determined by the IEP Team.
- D. In instances where the student presents a danger to himself or others as afforded by law, Interim Alternative Educational Settings may be invoked by the District, including homebound instruction.

CORPORAL PUNISHMENT

The use of corporal punishment is not permitted in the Milford School District. This does not prohibit an official or professional employee of the Milford 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 pupil'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 pupil from school premises or motor vehicle or from school-sponsored activities.
6. Using reasonable and necessary physical contact to prevent a pupil 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 Milford 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.

DISCIPLINARY REFERRALS

Disciplinary referrals should occur only when students have clearly and willfully violated the District's Code of Conduct. ~~Staff is expected to use good classroom management practices and behavioral interventions to help all students comply with the school rules and regulations. They are responsible for engaging students in appropriate learning activities and attempting to redirect off-task student behaviors before they become a violation of the code of conduct. Students are responsible for learning the code of conduct and following the rules and regulations of the school. They are responsible for following teacher directions and helping to maintain a classroom atmosphere that is conducive to learning.~~

SMOKING

The State of Delaware prohibits smoking by all persons within all buildings, facilities and school grounds of the District. Smoking includes the use of vape pipes, **juuls** and e-cigarettes.

UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM

Milford Central Academy and Milford High School have been declared safe schools.

The Milford School District complies with ~~the Federal No Child Left Behind~~ legislation by providing transfer options to those students enrolled in a District school that has been identified as "persistently dangerous" pursuant to the provisions of DDOE Regulation 608, Unsafe School Choice Option for Students in Persistently Dangerous Schools and for Students Who Have Been Victims of a Violent Felony. Students who have been victims of a violent felony under these provisions may also elect the transfer option program.

Option A: Schools Identified As Persistently Dangerous

- Within ten school days of receiving a persistently dangerous designation from the Department of Education, the District will notify parents of eligible Unsafe School Transfer Option Program students by mail. A Transfer Option Application will be attached to the notification letter. Parents of students moving to a persistently dangerous school at the end of their grade level cluster will also be notified by mail. All parents registering students at a designated school will receive a notice and Transfer Option Application at the time of registration.

- The District will accept Unsafe School Student Transfer Option Applications for fifteen school days following date of the notification mailing. Applications for in-coming kindergarten students will be accepted through first day of new school year.
- Parents will have the option to transfer to another District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.
- Transfers of students will occur within 30 school days of Department of Education notification to the District. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.
- A corrective action plan will be developed and filed with the Department of Education within 20 school days from the date that the District learns that a school has been identified as persistently dangerous.

Option B: Victim of a Violent Felony at a School

- Within five school days from the date of the acknowledgement of a violent felony charge that occurred in or on the grounds of a District school, the District will notify the victim's parents by certified mail of the Unsafe School Student Transfer Option. A Transfer Option Application will be attached to the notification letter.
- Parents have 10 school days from the date of the certified mailing to exercise their option to transfer to a safe District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.
- The student will be transferred within 30 school days of the District's notification of violent felony charges being filed. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.

The Milford School District Student Transfer Option Program components are subject to amendments as may be required by law.

WEAPONS – GUN FREE SCHOOLS ACT OF 1994 The Milford Board of Education recognizes that students and staff must be provided with a safe and secure environment for learning, free from fear, harassment or injury caused by the possession of ~~firearms~~ weapons in school. In compliance with the Federal Gun-Free Schools Act of 1994, the District adopts the following policy:

Possession of a ~~weapon~~ ~~firearm~~, as defined by Delaware Code, on school property, in a school bus, at any school-sponsored co-curricular activity, shall result in expulsion for a period of not less than 180 school days. The superintendent shall modify the expulsion requirement to the extent a modification is required by Federal or state law in respect to students who have been determined to have disabilities. The procedures and definitions by which this policy will be implemented are contained in the Student Code of Conduct and Delaware Code.

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 action, all of the offenses should be processed at the appropriate level of action specified for each violation.

REMOVAL OF STUDENTS FROM CLASS OR OTHER SCHOOL ACTIVITY

Faculty and administration have authority over student conduct at all times during school and school related activities outside the school day, including riding buses. Students will be removed from class or school activity based upon the judgment of teachers and administrators. Criteria for removal of students include the safety of student and others, any form of violence, persistent disruption that interferes with learning, prevention of such situations and compelling need to speak to student privately. In using their judgment to remove a student, staff will use the Student Code of Conduct as the guide for their decisions. ~~This means that the staff member is required to send a discipline referral to the office by the end of the day the student was sent out of the room. This will give the person dealing with the student the necessary information to process the student. Also, the teacher is required to make a parent contact.~~ When a punishment or penalty is given to a student, it will be at the discretion of school authorities and based upon the Code of Conduct.

~~**When students are to be removed from a class or school activity during the school day, an adult staff member will escort them to the appropriate school office.** Students will not be sent out of class to report to the office alone or with another student.~~ If a student needs to be removed, the teacher will contact the office/follow procedures established in that school to summon assistance to remove a student. ~~If immediate violence is a consideration, the staff member will take whatever steps are reasonably necessary to prevent the situation from escalating and separate anyone they deem necessary. If the student refuses to leave the area and go to the area designated by the adult staff member, the police will be summoned to remove the student, with reasonable force, if necessary, at the discretion of the police. Charges will be filed at the discretion of the administration, involved faculty and police.~~

~~Removal may be permanent or temporary. The teacher and principal will determine terms of removal by applying Code of Conduct, other rules or policies and the needs of the student and the other students involved. If teacher and principal do not agree on the outcome, the principal will give a written explanation to the teacher within three working days. If needed, a formal hearing may be held before the superintendent/designee to determine status of the student relative to enrollment and/or participation in class or activity. School board policies for hearings and state law apply to these circumstances.~~

CHAPTER IV VIOLATIONS OF THE STUDENT CODE OF CONDUCT

HARRASSMENT

Sexual harassment by district students or harassment or misconduct by students based upon race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or upon any other categories protected by federal, state, or local law.

Sexual harassment is a form of sex discrimination and illegal under Title VII of Civil Rights Act of 1964, which protects persons in work place, and Title IX of Education Amendments of 1972, which protects persons from sex discrimination at school. Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by threats relating to job or school performance and evaluation; and physical assault. It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful. Such sexual harassment or misconduct, whether the harasser is another student or adult: shall include, but is not limited to the following:

- **written contact**--suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- **visual contact**--sexually suggestive looks or gestures, displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.

- **verbal contact**--sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- **physical contact**--uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- **retaliation**--any action taken or threatened against another person for complaining about any of the behaviors described above.

Harassment based upon a person's race, national origin, disability, religion, sexual orientation or similar characteristics by a student directed against or toward another person that occurs on the school district's premises or at school activities off the school premises is a form of conduct which is prohibited. Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic;
2. Oral or written words communicated by any student to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic;
3. Any oral, written or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.
4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in #s 1-3 above.

If you believe you or another person are the subject of such harassment or misconduct or sexual harassment or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority. Persons are urged to report violations of these policies and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting harassment or sexual harassment. All complaints made to district staff must be reported by such staff to the Milford School District Title IX Coordinator, Dr. Paul Walmsley, Director of Personnel. Upon receiving notice of a complaint of harassment, sexual harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible. A school district student, who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include placing the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives. Follow-up inquiries may be made to ensure that harassment, including sexual harassment, has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

DRUG, ALCOHOL, AND STEROID POLICY

The Milford School District believes that drugs, alcohol and steroids have no place in the school environment and are prohibited. The Milford School District supports a zero tolerance policy tempered by the desire to encourage students with substance abuse problems to come forward and seek help with treatment and counseling.

State and district policies shall apply to all students except that with respect to disabled students, the Federal Law will govern and a determination of whether the violation of the alcohol 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 fourfold:

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

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

The Board Hearing recognizes the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the school community. The Board Hearing, 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 Hearing considers offenses related to drugs and alcohol very serious both for the individual involved and for the welfare of other students in the district. Therefore, the following rules and regulations have been developed:

1. Any 9-12 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 referred to the Board Hearing by the administration for an expulsion hearing. The investigation leading to the recommendation for expulsion will be conducted **investigated** at the school level by the discipline team led by the principal or designee. The school recommendation will be reviewed at the district level by the Central Review Committee, chaired by the appropriate district Director of instruction. In cases involving special education students, the Board Hearing may, at its discretion, waive a hearing and accept the IEP Team recommendation of the particular school.
2. The act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. The student will be expelled for a term not to exceed one calendar year and credit will not be given for courses in which the student is currently enrolled. An expelled student can reenter school at the end of the term of expulsion and upon Board Hearing approval, and may be placed under a behavior contract agreed upon by the principal, Superintendent or designee, and the student and parent(s).
3. Students in grades nine through twelve who are expelled from school for offenses related to substance abuse may earn up to three credits through correspondence programs accepted by the Milford School District. Three credits from correspondence programs are the maximum accepted by the state that can be applied toward a diploma.
4. All violations of this policy are to be immediately reported to the school principal who will verbally notify the student's parent(s) of the investigation. In all cases, the Youth Aid Division of the Milford 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 hearing with the student, the principal has the authority to suspend the student for up to ten school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(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 appropriate director who will then convene a meeting of the Central Review Committee. If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student's parent(s) in writing and identify the time and place of the student's hearing before the school Board Hearing. This hearing before the school Board Hearing should be held within ten school days from the beginning of the student's suspension. If an exception is made to the time line, the school Board Hearing will provide homebound instruction to the student until such time as the Board Hearing can convene to hear the student's case.
5. All alcohol, drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the principal or designee and be made available, in the case of a medical emergency, 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.

6. Students of majority age, i.e., age 18 or older, are responsible for their own actions. All such students will be treated as adults for purpose of reporting violations of this policy and of the law to the police. Such 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.
7. 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, she/he may be suspended from school for a minimum of five days and suspended also from all participation in extracurricular activities, including sports and marching bands. Any student who violated the above policy more than one 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 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 Milford School Board Hearing. 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 Milford School District's Discipline Policy.~~
8. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are those prescribed to a student by a licensed physician or that which can be purchased over the counter and 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 and administered as per the physician's/parent's/guardian's written order. Violations of the policy could result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

~~The Discipline Hearing realizes that a policy that supports the recommendation of expulsion on the first offense 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 she/he 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 **Milford School District Discipline Hearing** 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. The **Milford School District Discipline Hearing** has also designated the school nurse and/or psychologist in district elementary schools and **guidance school** counselors and/or nurse ~~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 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:

1. The express representation that the substance is a controlled substance; or
2. 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 substance; or
3. 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:

- A. The non-controlled substance is packaged in a manner normally used for the illegal delivery of controlled substances.
- B. The delivery or attempted delivery included an exchange of 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.
- C. 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 non-controlled substance as a controlled substance is established, refer to #40 for appropriate penalties.~~

AGGRESSIVE GROUPS AND GANG POLICY

The Milford School District recognizes that the harm done by the presence and activities of gangs and aggressive groups in public schools exceeds the immediate consequences of such activities such as violence and destruction of property. Gang and aggressive group activities also create an atmosphere of intimidation in the entire school community. Both the immediate consequences of this activity and the secondary effects are disruptive and obstructive of the process of education and school activities.

It is therefore the policy of the Milford School District that gangs and aggressive groups are prohibited in the Milford School District Schools, according to the following:

I. Definitions for Purposes of this Policy

An "aggressive group" is any group of two or more students who act collectively in an aggressive, confrontational, or territorial manner toward other students within the school or in violation of disciplinary rules of the school district.

An "organized aggressive group" act collectively in an aggressive, confrontational, or territorial manner toward other students within the school or in violation of disciplinary rules of the school district have one or more of the following characteristics: An action against a single member of the group is responded to by multiple members of the group, the group identifies itself with a name, similar clothing or colors, established symbols and handshakes, similar hairstyles, or other identifying characteristics

A "gang" is any group of two or more students whose purposes include the commission of illegal acts; "gang related activity" includes but is not limited to the prohibited conduct set forth below.

II. Prohibitions

No student on school property or at any school activity on or off campus shall:

1. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in or affiliation with any gang or aggressive group.
2. Engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation with any gang or aggressive group.
3. Engage in any act to further the interests of any gang or aggressive group, including, but not limited to:
 - a. soliciting membership in, or affiliation with, any gang;
 - b. soliciting any person to pay for "protection," or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - c. painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property;

- d. engaging in violence, extortion, or any other illegal act or other violation of school policy;
- e. soliciting any person to engage in physical violence against any other person.

III. Procedures

1. WATCH: the same students are noted to be persistent in aggressive group behavior
 - a. a list of the students is established and maintained
 - b. record all relevant actions, interactions, reports, and rumors
2. INTERVENTION: When sufficient documentation has accumulated
 - a. Interview, set limits, and warn individually
 - b. Send letter to parents
 - c. Apply appropriate discipline for all group activity: Inflammatory Actions, Bullying, and Defiance
3. GANGS AND ORGANIZED AGGRESSIVE GROUPS
 - a. Prohibited from assembly on school grounds
 - b. Arrests off campus will result in a referral under M016.
 - c. Expulsion hearing for all acts of violence or intimidation

IV. Application and Enforcement

1. In determining, as part of the application and enforcement of this policy, whether acts, conduct, or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.
2. This policy is intended to work in conjunction with the Bullying Policy found elsewhere in the MSD Code of Conduct.
3. The removal of graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be removed or covered within twenty-four (24) hours of its first appearance to school officials, or as soon thereafter as possible.
4. School officials are strongly encouraged to work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement can provide school officials with information regarding gang-related activities in the area, including names and characteristics of local gangs.
5. The superintendent, in consultation with the appropriate building principals, should report instances of gang-related criminal acts or acts of serious disruption to School Board and local law-enforcement authorities for further action.

V. Violations of Policy

Students who violate this policy shall be subject to the full range of school disciplinary measures, in addition to applicable criminal and civil penalties.

SCHOOL BULLYING & CYPERBYLLYING PREVENTION POLICY

The Milford School District (the "District") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and all employees.

I. Prohibition of Bullying Which Includes Cyberbullying

The District prohibits the bullying of any person on school property, at school functions, by use of data or computer software accessed through a computer, computer system, computer network or other electronic technology of the District from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The District

further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

II. Definition of Bullying& Cyberbullying

As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of:

- A. Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being, or substantial damage to his or her property; or
- B. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions, or due to a power differential between the bully and the target; or
- C. Interfering with a student having a safe school environment necessary to facilitate educational performance, opportunities or benefits; or
- D. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.
- E. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.
 - 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
 - 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

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

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

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

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

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

1. 1. Denigration: spreading information or pictures to embarrass,

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

Sexual Bullying: Unwanted touching of a sexual nature with the exception of physical contact which is deemed criminal and/or meets the definition of Unlawful Sexual Contact as defined in DE Code §4112, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is not exhaustive. Such actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other District policies or building, classroom or program rules.

III. School-Wide Bully Prevention Program

The District is committed to support each school in their adoption of a school-wide bully prevention Program. Each school is directed to develop or adopt a school-wide, research-based bully prevention program. A Coordinating Committee will be created, as described in Section IV of this policy.

IV. Coordinating Committee

Each school shall establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program.

V. Reporting Requirements

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously. Any school employee with reliable information that would lead a reasonable person to suspect a person is a target of bullying shall immediately report it to the administration.

VI. Investigative Procedures

- A. Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
- B. All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or the principal's designee within five (5) working days.
- C. Some acts of bullying may also be crimes which must be reported to the police and/or the department of education pursuant to the school crime reporting law (14 Del. C. § 4112)

VII. Non-Classroom Supervision

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

VIII. Consequences for Bullying

The following, including a combination of the following, may be considered by administrators to be the appropriate range of consequences for bullying:

- A. Time-out.
- B. Loss of privileges.
- C. Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
- D. Notices to parent. (REQUIRED BY LAW)
- E. Serious talk with school staff member.
- F. Serious talk with school staff member with parents present.
- G. Behavioral report cards sent home.
- H. Creation of a behavior contract.
- I. In-school suspension.
- J. Detention.
- K. In-school suspension for up to five days.
- L. Reassignment of seats in class, lunch or on bus.
- M. Forbidden to enter certain areas of school.
- N. Reassignment of classes.
- O. A referral to an external agency
- P. Reassignment to another school, or another mode of transportation.
- Q. Expulsion.
- R. Report to Law Enforcement officials

VIX. Retaliation

Retaliation for reporting bullying is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act. The potential consequences for retaliation are as set forth in the preceding section.

Reporting Procedures

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) of this Title or legal guardian to provide information on bullying activity will be as follows:
 - 1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits. The staff member will report the complaint to the administration or designee.
 - 2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will assist to provide the child with a practical, safe, private and age-appropriate method of doing so. The staff member will report the concern to the administration or designee.
 - 3. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
 - a. Conduct involved
 - b. Persons involved, designated bully, target, and bystanders' roles
 - c. Time and place of the conduct alleged, number of incidents
 - d. Names of potential student or staff witnesses
 - e. Any actions taken in response
 - 4. Short, easy to use complaint forms can be obtained from the school administration or district office. (Appendix II – MSD Bullying Reporting Form)
 - 5. The MSD Bullying Reporting Form may be downloaded from the school website, completed, and then emailed to school administration.
 - 6. Anyone may report bullying. A report may be made to any staff member.
 - 7. Each principal will designate a person or persons responsible for responding to bullying complaints.
 - 8. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents (Milford School District RAP), which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

X. Anonymous Reports

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

XI. Notification of Parents, Guardian or Relative Caregiver

A Parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

XII. Procedure to Communicate with Medical and Mental Health Professionals.

The following procedures for communication between school staff members and medical professionals who are involved in treating students for bullying issues must be followed:

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPPA and FERPA guidelines.
2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to the parent's child.
3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
 - a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
 - b. Require that the student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
4. A summary of the evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.

A. Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hot line (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance company for recommended providers in the area.

XIII. Implementation

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

XIV. Accountability

Each school shall notify the District in writing of its compliance with this policy and submit a copy of the procedures adopted under this policy by *January 1* of each school year. Each school shall verify for the District the method and date the policy has been distributed to all students, parents, faculty and staff.

XV. School Ombudsperson Information

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

XVI. Informing Students of Electronic Mediums

Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy ~~through the end of 2013-14 school year~~, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall, at minimum, be included in each district's and charter's school list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. **This list is not considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim shall be considered an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as "blogs" which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.**

XVII. Policy Notification

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

XVIII. Rules and Regulations

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

XIX. Other Defenses

- A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action initiated under this policy provided there is sufficient school nexus.
- B. This section does not apply to any person who uses data or computer software accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district policy and with the approval of the superintendent.

XX. Relationship to Other Laws

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

Nothing in this policy shall supersede or be construed in such a manner as to conflict any state or federal laws concerning special education or individuals with disabilities.

Attorney General's Report: Any charges received by a student either in school or out of school are reported to school district officials from the Attorney General's office. School district officials are provided access to view specifics of each charge against a student via a state crime database. The Milford School District may take disciplinary action on the charges to ensure the safety and welfare of the student body even if the charges have not been adjudicated and in accordance with Due Process procedures.

GLOSSARY ACTIONS AND CONSEQUENCES

Action A: Verbal Warning
Action B: Written Warning/Parent Contact

Action C:	Teacher Intervention(s)/Parent Contact; May Include Seat Change or Other Options
Action D:	Teacher-School Detention & Parent Contact; Detention Assigned Before/After School
Action E:	Verbal Reprimand & Parent Contact
Action F:	School Detention & Parent Contact
Action G:	Two School Detentions & Parent Contact
Action H:	One Day ISS & Parent Contact
Action I:	Two Days ISS & Parent Contact; May Include Parent Conference
Action J:	Three Days ISS & Parent Contact; Parent Conference To Return
Action K:	Specified Long Term ISS/Pre-Alternative School; Mandatory Parent Conference
Action L:	One Day OSS & Parent Contact
Action M:	Two Days OSS & Parent Contact
Action N:	Up to three Days OSS & Parent Contact; Parent Conference To Return
Action O:	Behavior Contract With Student & Parent; May Include Attendance Clause
Action P:	Referral to Police or Other Agency and/or Central Review; Suspension from School --- up to five days, possible Central Review Referral
Action Q:	Referral to School Discipline – Options: Contract, Class Placement/Change, School Service, Central Review Referral, Student Activities/Athletics Suspension 1-4 Wks; Police Referral
Action R:	Suspension up to Ten Days Pending Central Review Committee - Options: Contract, Class Change, Extend Suspension, School Service, Alternative School Referral, Student Activities/Athletics Suspension; Police Referral; Recommend Expulsion Hearing
Action S:	Referral for Expulsion Hearing, police contact, if required – suspension for up to 10 days.
Action T:	Change of Class Schedule and Parent Conference
Action U:	Restitution; Payment for Damages May be Required
Action V:	Principal's Probation, Loss of Driving Privileges
Action W:	Utilize MSD Bus Discipline Policy Rules & Regulations
Action X:	Confiscation by School Staff and Item to be Returned to Parent/Guardian Only
Action Y:	Loss of Privileges.
Action Z:	Required Action for Academic Cheating: Zero for work & required Parent Meeting. Assignment still must be completed.

The principal or designee may offer community service to a student to replace a disciplinary consequence listed above.

If the principal believes that an infraction by a student is so severe as to warrant more serious consequences than outlined in the Student Code of Conduct, the principal may call for a Central Review of the case. The Central Review Committee may assign any level of consequences from A through Z based on their determination of the magnitude of the seriousness of the infraction.

Principal's/Behavioral Contract - When repeated inappropriate behaviors occur or when a student fails to respond to recommended or required consequences for inappropriate behaviors, the student may be placed on a principal's/behavioral contract. A principal's/behavioral contract is an agreement between a student, the student's parent(s) or guardians, and an administrator. The principal's/behavioral contract will specifically state the conditions that, unless met, will result in a recommendation for further disciplinary action.

Central Review Committee – Central Review Committee functions as the Alternative Placement Meeting. To consider students who have repeatedly and/or seriously violated school rules and regulations and have been referred by an administrator. Committee is headed by the Director of Secondary Education Designee and is made up of school personnel from throughout the district.

Code - the Student Code of Conduct.

Crime – includes a felony, misdemeanor or violation defined in the Delaware Code, as well as behavior of a person under 18 years of age which would be considered a felony, misdemeanor or violation if it

had been committed by an adult.

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

Behavioral Contract Principal's Probation - a student must fulfill specific commitments for a specified time. If the student fails to fulfill the commitments, student will face consequences as outlined in the contract, which may include a referral to the Central Review Committee or the possibility of a recommendation for expulsion.

Notification – direct contact by telephone, email, in person, or by certified mail, unless otherwise designated.

Parent – includes natural parent, adoptive parent, or any person, agency, or institution that has temporary or permanent custody or guardianship over a student under 18 years of age.

Parent Contact or Conference - means a telephone contact, written communication or meeting with a parent/legal guardian in person unless otherwise designated.

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.

School Employee/Official – includes all persons 18 years of age or older hired by a school district; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property.

School Function – includes any field trip or any officially sponsored public school event in the State.

School Volunteer – a person 18 years of age or older who, without compensation, renders service to a public school. "School Volunteer" includes parents who assist in school activities or chaperone school functions.

DDOE Regulation 614 - Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion.

The regulation can be found at the following link:

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

STUDENT DISCIPLINE – SCHEDULE OF SINGLE OFFENSES, DEFINITIONS AND ACTIONS

INFRACTION CODE	OFFENSE	DEFINITIONS	Number of Year Offenses (A new record is started each year)				
			1st	2nd	3rd	4th	5th
			ACTION	ACTION	ACTION	ACTION	ACTION
C0101 C0163	Criminal Violent, Sexual, Weapons, Dangerous Instrument Felony Offense	Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).	R	R	R	S	S
C0122 C0125	Rape/Attempted Rape	Sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.	R	R	R	S	S
C0133 C0134 S0152	Arson/Reckless Burning	A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion. A person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.	R	R	R	S	S
C0141	Extortion	To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.	R	R	R	R	S
C0201	Assault III	A person intentionally or recklessly causes physical injury to another person or With criminal negligence the person causes physical injury to another person by means of a <u>Deadly Weapon</u> or a <u>Dangerous Instrument</u> .	P	P,R	P,R	S	S
C0301	Unlawful Sexual Contact III	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.	R	R	R	S	S
C0621	Dangerous Instrument(s) Possession/Concealment/Sale	Possession/concealment/sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.	R,S	R,S	R,S	R,S	R,S
C0625 C0601 C0626	Deadly Weapon Possession/Concealment/Sale	Possession, concealment, or sale of a Deadly Weapon in the School Environment. 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 club; blackjack; bludgeon; metal knuckles; slingshot; razor, bicycle chain; ice pick; xacto knife; mace; pepper gas; taser; non-functional weapons; box cutter; or any other article commonly used or designated to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when used, displayed in a threatening manner, or attempted to be used, to cause death or serious physical injury.	R	R	R	S	S

C0121	Sexual Harassment/ Assault	Any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761(f) of Title 11; Sexual Intercourse as defined in §761(g) of Title 11; sexual penetration as defined in §761(i) of Title 11; and child sexual abuse as defined in §901 of Title 10.	R to S	R to S	R to S	R to S	R to S
C0713	Distribution of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	The sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Nonprescription Medication or Prescription Drugs and/or look-alike substances.	R	R	R	R	S
D0101	Pornography: Possession & Production	Possession, sharing, or production of any known obscene material in the School Environment.	N	N,I	N	R	S
D0301	Criminal Mischief (Vandalism)	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property. This includes student and school property.	Up to R,U	Up to R,U	R,U	S,U	S,U
D0401	Tampering with Public Records	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	N to R	R	R	R	R
D0501 D0502 D1301 D1201 D1601 C0701 C0719	Use and/or Possession of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia. Unlawful Use or Possession of drug or alcohol look-alike substances. Unlawful Use or Possession of steroids. Unlawful Use or Possession of chemical vapors that are inhaled for their mind-altering effects. Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.	R	R	R	S	S
D0601	Felony Theft (\$1000++)	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.	R,U	R,U	S,U	S,U	R
D0701	Bullying / Cyberbullying	Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or	L	N	R	S	S,U

		coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee. The use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.					
D0801 D0802	Offensive Touching	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	M to R	N to R	R	S	S
D0901 D0902	Terroristic Threatening	When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment. A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.	R	R,P	S,P	S,P	S,P
D1001	Sexual Harassment	A threat to engage in conduct likely to result in the commission of a sexual offense against another individual. The offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.	R	R	S	S	S
D1101	Fighting/ Disorderly Conduct	Any aggressive physical altercation between two or more individuals. Conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	P,R,I	P,R	P,R	S	S
D1401	Tobacco Possession and/or Use	Possession or distribution of any tobacco product and/or lighted cigarette (cigar, pipe, vape pipe, juul , e-cigarette, etc.), inhaling or exhaling smoke, chewing or using tobacco products	N	N	N	N	N
D2001	Teen Dating Violence	Assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. §1312, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.	E to R	E to R	E to R	E to R	E to R
S0011	Profanity, Use of	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar.	D	H	I	L	M
S0021	Unexcused Absence/ Truancy	An unexcused absence; refer to MSD Attendance Policy #5403. Chronic Truants will be referred to Truancy Court	H	H	H	H	H

S0032	Tardiness: Late to Class (every 3rd tardy)	Late to class without authorization or approved reason	F	F	G	G	H
S0041	Skippping Class	Absence from a class for more than 10 minutes without authorization or approved reason. 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.	H	I	J	J	R
S0051	Leaving School Grounds w/o Permission	Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student's scheduled day.	H	I	J	J	R
S0071	Loitering	Student is present in any school area without authorization including student on school property before/after dismissal.	H	I	J	J	J
S0081	Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	H to L	I to M	N	N	N to R
S0091	Disruption of Educational Process	Individual or group behavior which seriously or repeatedly interferes with effective functioning of the teacher, student, or class in the classroom; individual or group behavior outside of the classroom which seriously or repeatedly interferes with effective functioning of the teacher, student, class, or school	F	G	H	I	I
S0101	Inappropriate Behavior	Violation of classroom rules not specifically covered by the student code of conduct.	F to N	F to N	F to N	F to N	F to N
S0102	Inappropriate Behavior: Safety Violation	Student does not obey safety procedures as outlined by school officials.	A	C	D	H	H
S0103	Inappropriate Behavior: Violation of Behavioral Contract	The failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.	R	R	R	R	R
S0105	Inappropriate Behavior: Disrespect towards a Student	Student uses, or threatens to use, language, gestures, or actions which create or might create a disturbance, including gossip and rumors; uses remarks, spoken or written, that defame the dignity or self-esteem of individuals.	F to N	F to N	F to N	F to N	F to N
S0107	Inappropriate Behavior: Careless & Reckless Behavior	Intentional/unintentional behavior that threatens to or causes personal injury or property damage. For example: shoving, horseplay.	H	I	L	M	R
S0108	Inappropriate Behavior: Consensual and/or Sexual Misconduct	Any request or suggestion of action by one or more persons involving the use or display of those parts of the body generally referred to as "private" (unacceptable in public) in which he/she knows this conduct is likely to cause alarm to another person; explicit sexual actions or display; explicit written or spoken words of a sexual nature (includes photographs, other pornography and sexually related items) A consensual sexual act(s) between two individuals within the School Environment.	F to N	F to N	N to R N	S	S
S0111	Stealing/Theft	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	N,U	N,U	R,U	S,U	S,U

S0121 S0122	Unsafe Driving / Parking Violation	Student drives any vehicle on school property (or while under jurisdiction of school authority) with disregard for the safety of persons or property (including other forms of transportation). Includes, but not limited to, driving on the grass, failure to stop, or excessive speed Student violates school parking and driving agreement.	H to V	H to V	H to V	H to V	H to V
S0131	Unsafe Items	Items such as: utility knives, ice pick, lighter, pocket knife, scissors, and anything as deemed unsafe by the administration	X,N R,X	X,N R,X	X,N R,X	X,N R,X	S
S0141	Academic Cheating	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, or projects. Use of cell phone during an assessment is classified as academic cheating. Also, plagiarism, the adoption or reproduction of original creations of another author without due acknowledgement, is considered academic cheating.	Z,D	H,Z	I,Z	Up to R	Up to R
S0151	Fire Alarm Incident	A person intentionally sets off a false school fire alarm, or call in a false 911 emergency directly or indirectly; recklessly damages or interferes with effective functioning of school's fire alarm system.	R	P,R	S	S	S
S0301	Abusive/ Inappropriate Language to Staff	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar towards an employee of the Milford School District.	L to N	N	N,R	N,R	S
S0161	Attorney General's Report/ Off Campus Conduct	Attorney General's Report shall mean the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	R	R	R	S	S
S0201 S0211 S0221 S0231	Failure to Report or Perform Disciplinary Action	Student does not report for disciplinary action (such as ISS, detention, etc.) and/or fails to comply with disciplinary consequence. Student does not perform properly in ISS.	N	N	R	R	R
S0241	Gambling	Student participates in games of chance for money and/or other things of value.	H	N	R	R	R
S0271	Trespassing	Entering or remaining on school property without authorization; including, but not limited to, knowing or unknowing entry upon school property by a suspended student or student from another school who does not have a legitimate reason for being there.	L	L	M	M	N
S0272	Breaking and Entering	The unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.	R	R	R	R	R
S0281	Unprepared for PE Class	Student does not dress appropriately for PE class	A	B	C	F	N
S0291	Dress Code Violation	Violation of Dress Code outlined in Milford School District Board Policy 5415	E,O	H	H	I	N
S0302	Instigation	Behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals.	H to N	L to N	M to N	N	R
S0181	Acceptable Use Policy Violation	Soliciting, using or sending pornographic or obscene material, accessing unauthorized email, downloading and/or installing files with or without malicious intent, and/or damage to equipment within the school environment; or a situation in which a student tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in	L or R	R	R	S	S

	Misuse of Technology	the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.					
S0311 S0312	Unauthorized Electronic Device / Cell Phone	This includes but is not limited to tablets, computers, radios, MP3 players, electronic games, beepers, cell phones, CD players, giga pets, lasers, camera, and all electronic equipment, etc. NOTE: Cell phone power must be turned off and out of sight during the school day. Cell phone use during the school day within the school building is prohibited without permission from a school official. Use of cell phone during an assessment is classified as cheating.	O to X	H to X	I to X	N to X	N to X
S0321 S0322	Falsification Written/Verbal	This includes but is not limited to making something false for the purpose of deception or fraud, altering something for the purpose of deception, or using a false name or identification.	C to H	H to I	I to L	J to M	R
S0333	Code of Conduct Violations: Repeated (5+)	Five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.	R	R	R	R	R

DOE REGULATION 601. SCHOOL-POLICE RELATIONSHIPS

- A. 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 matters which come to their attention, whether occurring on or away from the school premises, which involve pupils attending the particular school. The Milford School District has developed a Memorandum of Agreement (MOA) substantially similar to the MOA developed, approved and from time to time revised by the Delaware Department of Education with the Milford Police Department and the Delaware State Police to provide services to the District as requested. Each school district employee shall be advised, as defined in Del Code Section 4112, of his/her duty to report school crimes and the penalty for failure to so report. The Superintendent or his/her designee shall report to the Department of Education all school crimes pursuant to 14 Del Code Section 4112 and any subsequent amendment thereto. Such reports shall be made on forms as designated by DOE and filed with DOE within the time prescribed by the statute. In addition to those crimes required to be reported pursuant to statute, the Superintendent shall report to the DOE incidents of misconduct 4.1 through 4.7. Such reports shall be made on forms as designated by the DOE and filed with the DOE no later than five working days following the incident: 4.1) Pornography, Possession and Production; 4.2) Bomb Threats; 4.3) Criminal Mischief (Vandalism); 4.4) Tampering With Public Records; 4.5) Alcohol, Possession and Use; 4.6) Felony Theft (\$1000 or more); 4.7) Bullying.

For purposes of the reporting required pursuant to 4.7 of this regulation, **“Bullying” is defined as when one person, or a group of persons, targets another person with repeated direct or indirect negative actions over a period of time which are harmful to the victim either emotionally or physically. A negative action occurs when a person knowingly inflicts or attempts to inflict, physical or emotional injury or discomfort upon another person.** The following offenses should be reported to the appropriate police agency for investigation: 1) All felonies; 2) Serious assaults when any weapon is used; 3) Report of explosives, knives, firearms, ammunition, fireworks or blasting caps being brought into school; 4) Narcotic offenses or allegations; drinking; 5) Indecent assaults on pupils or staff; 6) Rape or assault with intent to rape; 7) Morals offenses (pornography, exhibitionism, peeping, etc.); 8) Organized gambling (numbers and pools; 9) Neglect or abuse of children; 10) Persons or conditions which are factors in contributing to the delinquency of minors; 11) Adults loitering on or near school property; 12) Unknown persons parked near schools at the time pupils are going to and from school; 13) Observations of reckless driving and traffic hazards endangering lives of school children; 14) Telephoned threats to the school; 15) Arson, attempted arson, or suspicion of arson; 16) Rumors or observations of gang rivalries or activities; 17) Reports of promiscuity or incest; 18) Evidence of threats or intimidation; 19) Larceny involving the personal property of school personnel; 20) Larceny of school equipment; 21) Burglary and attempted burglary of school buildings; 22) Malicious mischief and school vandalism; 23) Trespassing on school property.

- B. 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 Delaware Department of Education Regulation 601 School/Police Relations, 2005.

REVISED: 5/24/99; 9/27/99; 5/22/00; 5/21/01; 6/24/02; 6/23/03; 6/24/04; 5/23/05; 6/26/06; 10/23/06; 1/29/07; 4/23/07; 7/9/07; 12/17/07; 05/19/08; 6/29/09; 4/26/10; 5/17/10; 8/23/10; 10/25/10; 2/28/11; 7/11/11; 1/23/12; 5/20/13; 4/29/14; 6/5/17;

EQUAL OPPORTUNITY PRACTICES

The District is an equal opportunity educational institution and will not discriminate on the basis of race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or upon any other categories protected by federal, state, or local law.

APPENDIX I: Expulsion or Alternative School Placement Hearing Waiver

MILFORD SCHOOL DISTRICT REQUEST WAIVER OF EXPULSION HEARING

Student
Name:

School:

Grade:

PLEASE CHECK ONE:

_____ I am the parent/legal guardian of _____; **or**

_____ I am the student and I am eighteen years of age or older.

- I waive my right to have an expulsion hearing.
- Upon waiving my right, the expulsion hearing scheduled for _____ is cancelled.
- I understand that **(student)** will be expelled through **(time frame) with alternative educational placement.**
- I understand that I, **Student**, will not be allowed on Milford School District property for any reason for the duration of the expulsion period.
- By waiving my right to a hearing, I understand I am also waiving my right to file an appeal.

**APPENDIX II:
Bullying Reporting Form**

Student _____

Date _____

Parent/Guardian _____

Date _____

***Bullying Definition:** Any overt acts by a student, or a group of students, directed against a student victim with the intent to ridicule, harass, humiliate, intimidate or inflict bodily harm while at school, on school grounds, or at a school-sponsored activity. These acts are typically repeated against the student victim over time.*

Reporting Person (optional): _____

Name(s) of victim(s):	Name(s) of students(s) accused:	Name(s) of witnesses/bystanders

Type of Incident (check all that apply):

- | | | |
|---|---|---|
| <input type="checkbox"/> Name calling Physical | <input type="checkbox"/> Threatening | <input type="checkbox"/> Excluding (left out) |
| <input type="checkbox"/> (hit, kicked, punched) | <input type="checkbox"/> Cyber (online or text) | <input type="checkbox"/> Rumors |
| <input type="checkbox"/> Racial or demeaning | | |
| <input type="checkbox"/> comments | <input type="checkbox"/> Sexual comments | <input type="checkbox"/> Stolen or damaged |
| <input type="checkbox"/> Other (explain): | | possessions |
| <input type="checkbox"/> | | |
- _____

Where did the incident happen?

(check all that apply):

- | | | |
|---|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Hallway | <input type="checkbox"/> Classroom | <input type="checkbox"/> Bathroom |
| <input type="checkbox"/> Gym | <input type="checkbox"/> Locker | <input type="checkbox"/> Cafeteria |
| <input type="checkbox"/> Bus | <input type="checkbox"/> Room Bus | <input type="checkbox"/> School Trip |
| <input type="checkbox"/> Cyber (online or text) | <input type="checkbox"/> Stop Other | |
- _____

Who have you reported the incident to? (check all that apply):

- | | | |
|--|--|---------------------------------|
| <input type="checkbox"/> Teacher | <input type="checkbox"/> Counselor | <input type="checkbox"/> Dean |
| <input type="checkbox"/> Administrator | <input type="checkbox"/> Parent/Guardian | <input type="checkbox"/> Friend |
| <input type="checkbox"/> Other | | |
- _____

Explain the incident:

Based on this report of alleged bullying, an investigation will take place.

REVISED: 5/24/99; 9/27/99; 5/22/00; 5/21/01; 6/24/02; 6/23/03; 6/24/04; 5/23/05; 6/26/06; 10/23/06;
1/29/07; 4/23/07; 7/9/07; 12/17/07; 05/19/08; 6/29/09; 4/26/10; 5/17/10; 8/23/10; 10/25/10; 2/28/11; 7/11/11;
1/23/12; 5/20/13; 4/29/14; 6/5/17;

**MILFORD SCHOOL DISTRICT
POLICY 5414**

**STUDENT CODE OF CONDUCT
ELEMENTARY SCHOOLS GRADE K THROUGH 5**

**CHAPTER I
INTRODUCTION AND STUDENT EXPECTATIONS**

INTRODUCTION

The Milford School 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, constructive student behavior. Therefore, the Board has developed this policy statement:

1. Students in the Milford 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 pupils.

CODE OF CONDUCT REVIEW

The Student Code of Conduct Central Academy and High School is an official policy of the Milford School District Board of Education. The Board of Education expects that this Code will be subject to ongoing review and revision in response to:

1. Administrative, staff, student, and parent suggestions;
2. Legal interpretation; and
3. Annual Review

CODE OF CONDUCT DISSEMINATION

On an annual basis:

1. A copy of the student code of conduct shall be posted on the school website and a copy given to each student.
2. Students receive training in the discipline system at the beginning of each school year and as changes occur.
3. Administration and staff received annual training based upon current district policies and procedures as well as changes in Regulation.

STUDENT EXPECTATIONS

Students are expected to:

1. Conduct themselves in an orderly, safe and responsible manner.
2. Attend all classes daily and on time.
3. Be prepared for class assignments and activities, with appropriate working materials.
4. Respect other people and their property.
5. Refrain from abusive language, defamatory, inflammatory, and demeaning actions.
6. Be clean and neat.
7. Be responsible for their own work.
8. Abide by rules and regulations of the school and individual classroom teachers.
9. Accept, understand, and respect diversity and differences among fellow students and staff.
10. Express feelings and needs in constructive, socially appropriate ways.
11. Resolve differences through acceptable, peaceful methods such as dialogue and compromise.

CHAPTER II STUDENT RIGHTS AND RESPONSIBILITIES

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. **School officials have a right under the law to search students or their property whenever there is reasonable suspicion that the students have something that violates school rules or endangers the health, safety, or welfare of others. Students may be searched to maintain the ongoing educational process, to maintain order, and/or to protect people and property.**

~~Student lockers, desks and cubbies are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others. Searches shall be based upon reasonable suspicion that the student's person or property contains prohibited substances, items, or material detrimental to the health, safety and welfare of other students or staff, or in violation of the law or rules of the Student Code of Conduct.~~ **Searches may include the student and his/her locker, desk, automobile, MSD owned computing resources including all data stored on the MSD network, personal belongings.** ~~Students are responsible and accountable for the contents of all items found in their lockers, book bags, purses, or any bags or containers used to carry personal property.~~

RIGHTS AND RESPONSIBILITIES OF POSSESSIONS

Students have the right: To privacy in their personal possessions unless the principal/designee/staff member has reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, drug paraphernalia or of a student's unauthorized possession of items which include but are not limited to: electronic device, cell phone, weapon, stolen property, unsafe item, or dangerous instruments in the school environment.

Students have the responsibility: Not to carry, conceal, or possess any materials which are illegal, disruptive, dangerous, or offensive to others. Cell phones and other electronic devices must have the power turned off and be out of sight during the school day from the time the student arrives on school grounds until the end of the school day and on the bus. Cell phone use during the school day within the school building, school grounds and/or school buses is prohibited. **The District is not responsible for a cell phone or electronic device which may be lost or stolen.**

Lockers: The District presumes a student possesses, and is responsible for, all items found in the student's locker. Students should regularly check the contents of lockers. If students fail to lock lockers, or provide others access to personal lockers, students remain responsible for items found in personal lockers. ~~Student lockers are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others.~~

Bookbag/Purse: The District presumes a student possesses, and is therefore responsible for, all items found in the student's bookbag, purse, or similar bag or container used to carry books or personal property (referred to as "bookbag"). Students should regularly check the contents of their bookbags. If a student fails to secure his/her bookbag, or provide others access to his/her bookbag, the student remains responsible for items found in his/her bookbag.

DEBTS

Refusal to pay for lost, damaged, stolen school property or services rendered by a school program, such as but not limited to field trip fees, food, transportation or other services related to classes, student activities, and athletics. Families may petition to the school principal to set up a payment plan or other compensation plan.

Students who have a debt with the school ~~may~~**will** be barred from attending school activities including fieldtrips, Homecoming, Prom, and Commencement Ceremonies. In addition, the school shall file a claim in Justice of the Peace for restitution of all debts over \$25.

SKATEBOARDS/ROLLERBLADES/WHEELED SHOES

Students are not permitted to bring or use skateboards, rollerblades, or wheeled shoes in or directly around the school.

ELECTRONIC DEVICES AND CELL PHONES

Milford School District discourages students from bringing cell phones and other communication devices to school. Such devices include but are not limited to: cell phones, tablets, computers, giga pets, beepers, lasers, radios, cameras, CD players, MP3 players, electronic games, etc. Students are prohibited from using cell phones and other electronic communication devices during the school day without permission from a school official. All devices must be turned off and kept out of sight during the entire school day when it is absolutely necessary to bring the phone to school. Violators will receive disciplinary action in accordance with the Student Code of Conduct. Students who do not turn in an electronic device when requested may be considered in defiance of school authority.

DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION

~~A student may not participate in a practice, scrimmage, or contest during the time a suspension, either in school or out of school, is in effect or during the time the student is assigned to an alternative school for disciplinary reasons.~~

OMBUDSPERSON

An ombudsman is made available by the state of Delaware to act as a facilitator in resolving grievances and disputes. The Delaware Department of Justice Bully Prevention and School Crime Contact (Ombudsperson) Anonymous Tip Line is: 1-800-220-5414

CHAPTER III**DISCIPLINARY PROCEDURES FOR VIOLATIONS OF STUDENT CODE OF CONDUCT****DUE PROCESS PROCEDURES**

- A. All students must be informed of the violation(s) and the range of disciplinary actions.
These items should be:
 - a. included in the Student Code of Conduct.
 - b. explained to students in person on a yearly basis.
 - c. disseminated in print and electronic copy.
- B. Each student involved in a situation which may result in a disciplinary action must be given the following due process by the administrator or designee:
 1. informed of the allegations against him/her, the conduct which forms the basis of the allegation (s), and explained the policy, rule, or regulation violated
 2. given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence, witnesses, or questions
- C. A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.
- D. Parent Notification
 - a. Parents are to be informed of incidents as soon as possible **either by phone or written notice**. When obtaining written statements from witnesses, reasonable efforts may be made to notify the parent/guardian or each witness. Reasonable efforts shall be made to include the allegedly offending student or parent/guardian in an investigation.

STUDENT INITIATED APPEAL PROCESS

It is the purpose of these appellate procedures to provide students' access to the appropriate school officials in regard to disciplinary matters.

Students or parents may only initiate the appellate process for one of the following reasons:

1. Incorrect charge
2. Incorrect action
3. Lack of due process

Penalties shall not be implemented until the student ceases or exhausts his/her appeal, except in case of violent behavior, and except in cases under appeal to the State Board of Education.

Step 1: Student shall have option to meet/discuss with staff members their proposed disciplinary actions within one (1) school day after the charge. This informal/private process should be followed in order to resolve differences/problems in friendly and cooperative manner.

1. Student may notify parents.
2. Student may present information or interpretations on his/her own behalf.
3. Staff member shall notify student of his/her decision within one (1) school day.

Step 2: Students or parents shall have the right to informally appeal staff disciplinary action to the school principal/assistant principal within two (2) school days after the charge. The objective is to resolve the matter informally.

1. Students may notify parents.
2. Student shall inform the principal/assistant principal of the facts.
3. Student may present information or interpretations on his/her own behalf.
4. Principal or Principal's designee shall procure information from staff members.
5. Principal or Principal's designee shall notify student of his/her decision within two (2) school days.

Step 3: If the matter is not resolved satisfactorily in the above manner, a written appeal to principal will be made within four (4) school days of the principal's decision. Any complaint made to administration by any student concerning a staff member shall be immediately brought to the staff member's attention. The principal shall conduct a parent/student conference within ten (10) school days of appeal and shall give a written decision within four (4) school days of conference. The principal shall file a copy of both the appeal and decision with the Superintendent or designee for his/her information. The principal's decision shall finally resolve the problem unless the student appeals the decision to the Superintendent or designee in writing within four (4) school days.

1. The principal or Principal's designee shall state the nature of the offense and the appeal as noted in the written student appeal.
2. The student may present any information or interpretations on his/her own behalf.
3. The student may present witnesses sufficient to present his/her case.
4. The student may cross-examine witnesses.
5. The principal or Principal's designee may obtain information independently.

Step 4: The unresolved problem will be discussed in a conference with the parents/student and the Superintendent, or in his/her absence, his/her designee. This conference will take place within four (4) school days of the receipt of the appeal. The superintendent shall provide within four (4) school days of the conference a written decision. The decision of the Superintendent shall be final, except in cases of Long Term Suspensions, which shall be final unless the student appeals the decision to the Board of Education within four (4) school days. (Appeal for Board Hearing will be in writing to the Superintendent.)

1. The Superintendent or Superintendent's designee shall state the nature of the offense and the appeal as noted in the written student appeal.
2. The student may present information or interpretations in his/her behalf.
3. The student may present witnesses sufficient to present his/her case.
4. The student may cross-examine witnesses.
5. The Superintendent or Superintendent's designee may obtain information independently.

Step 5: As required by Regulation 616, Step 5 provisions are for appeals of Long Term Suspensions only. A hearing shall be granted by the Board upon receipt of a written request signed by the student stating he/she desires a hearing. The Board shall hold a hearing with the parents/student within thirty (30) days after receipt of the appeal. The Board shall submit its written decision within ten (10) school days following the hearing. The decision of the Board shall be final unless appealed.

1. The accused student shall be apprised of his/her rights.
2. The parents or guardian of the student shall be informed of the procedures for formal hearing.
 - a. The appearance before Board of Education.
 - b. The right to be represented by legal counsel or advisor.
 - c. The right to have witnesses and to cross-examine complaining witnesses.

- d. The right to either a public or private hearing.
- e. The right to testify and present evidence.
- f. The date of the proposed hearing.
- 3. School officials shall assure appropriate hearing records be kept and accused be provided copy of summary report.
- 4. The accused shall be informed by written notice of the decision rendered and the basis for such action. **Written notice will include the accused's right to appeal to the State Board of Education.**
- 5. The accused person shall have the right to appeal final decisions by the local district Board of Education to the State Board of Education within (30) days in accordance with State Board Regulations.

Failure of a student at any level of this procedure to appeal the decision to the next level within the specified time limits shall be deemed to be acceptance of the decision at that level. If an appeal is initiated within the last 60 days of the school year: (1) the appeal shall go directly to the Principal for final determination if the policy does not require a Board hearing for that offense; (2) the appeal shall go directly to the Board for final determination if the policy requires a Board hearing for that offense.

SUSPENSION, ALTERNATIVE SCHOOL PLACEMENT, AND EXPULSION

The Board recognizes that exclusion from the educational program of the schools, whether by suspension, alternative school placement, or expulsion is the most severe sanction that can be imposed on a student in this district and one that cannot be imposed without due process. The primary purposes of suspension are to maintain the integrity of the education process, to give students time to reflect on their school behavior, and to defuse potentially explosive situations.

Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on **any Milford School District property or at any off-campus event during the entire duration of their suspension, alternative placement, or expulsion.**—property.

SUSPENSION FROM SCHOOL

A. Short-Term Suspension

- a. The Principal, in accordance with the rules of the district, shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district Central Review Committee/Alternative Placement Meeting decision or the district Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.
- c. Due Process will be followed as outlined in Chapter III.
- d. Students suspended out of school are expected to make up their work. It is the responsibility of the student/parent/guardian to contact the teacher for makeup work. Students' assigned in-school suspensions are required to complete their work.
- e. A student assigned to an excessive total of in-school suspensions (more than 3) may be assigned out-of- school suspension (OSS) instead of the ISS consequences prescribed in these guidelines.
- f. In all events, parents will be notified to have the student picked up from school. Students whose parents/guardians/emergency contacts cannot be reached by telephone will be retained at school until the end of the school day. However, if this is not feasible or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, or the integrity of the educational process, the necessary notice and hearing will follow as soon as possible.

B. Long-Term Suspension

- a. The Superintendent, in accordance with the rules of the district school, shall have the right to impose a Long-term Suspension on any student in the school who has violated

the school's Student Code of Conduct's listed acts of misconduct as defined in 14 **DE Admin. Code** 614.3. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.

- b. Prior to any Suspension from school, the initial due process procedures outlined in Chapter III shall be followed.
- c. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the districts/charters appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.
- d. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district's appeal or Grievance process.
- e. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. The conference shall be designated by the Principal, who may waive the conference.

ASSIGNMENT TO ALTERNATIVE PROGRAM

A student may be assigned to an Alternative Program because of serious or repeated violations of the Code. Assignment to an Alternative Program is the removal of a student from the regular school program, with placement in special alternatives designed to meet the student's particular needs. A principal may refer a student for Alternative Placement:

- a. for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district school Student Code of Conduct and the student's behavior is within the defined conduct under **Regulation 616**. ~~14-DE Admin. Code 614 §4112~~
- b. in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment.
- c. in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school based best practice interventions have been put into place for said student.

C. Building Level Conference

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur. The principal:

- a. shall follow due process as outlined in Chapter III
- b. shall notify the student and parent/guardian.
- c. may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- d. shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.
- e. shall hold a building level conference (by phone or in person and with a third person present) with the parent/guardian and student to inform them:
 - 1. of the referral for Alternative Placement
 - 2. that the student may be suspended and;
 - 3. of the procedures that will take place as follow-up to the referral for Alternative Placement.
- f. shall mail a notice of the Alternative Placement Meeting to the parent/guardian at least 5 business days before the meeting is to occur.

In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's

violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (See Appendix II)

D. Central Review Committee Meeting/District Alternative Placement Meeting

- a. The Central Review/Alternative Placement Team includes: a representative of the Alternative Program Staff, a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker
- b. A district Central Review Committee/Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.
- c. The Parent and student shall receive verbal and written notification of the district/charter school's Central Review Committee/Alternative Placement Meeting within one day of the meeting. Parents and student may, but are not required to, attend the meeting.
- d. The Parent and student shall be informed of the district/charter school Central Review Committee/Alternative Placement Team's decision for placement within one (1) business day of the meeting.
- e. If the decision is to assign to an Alternative Placement, the Superintendent shall send follow-up written notice within three (3) business days to the Parent 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.

E. Student Assignment to Alternative Placement

- a. Milford School District contacts the Alternative Program to set up a date and time for an Intake Meeting.
- b. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.
- c. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district representative, the Alternative Program administrator, and other appropriate Alternative Program staff.
- d. A student assigned to a Consortium Discipline Alternative Program must be registered in Milford School District before the Intake Meeting is held.
- e. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and Parent signatures.
- f. During the Intake Meeting, Milford School District representative shall communicate to all in attendance, the district/charter school's individualized goals and expectations for the alternatively placed student, including the Individualized Service Plan (ISP) under 14 DE Admin. Code 611, if applicable. The individualized goals and expectations shall be recorded on the Intake Form.
- g. The Intake Form shall be signed by all parties, copied and distributed to the student and Parent, Alternative Program administrator, and Milford School District representative and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.
- h. Milford School District shall maintain all alternatively placed students' enrollment status in Delaware Student Identification System (DELSIS) and eSchool PLUS database systems or successor Delaware Department of Education approved student database management system. A student placed in a Consortium Discipline Alternative Program shall have both an "active" and "service" status designation in DELSIS.
- i. **Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on any Milford School District property or at any off-campus events.**

EXPULSION

Only the Board of Education may expel a student from school for violation of District Policy. In general, the act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. A student will be expelled up to 180 school days and credit will not be given for courses in which a student is currently enrolled.

Re-entering: Students will begin the school year with a clean discipline record with the exception of students who have been previously expelled from school and those operating under a behavior contract that might extend into the new school year. An expelled student may re-enter school upon the completion of their term of expulsion. Parents and student are required to meet with a school administrator to review and sign a behavior contract before attending classes.

Students who end the school year with 45 or more demerits will be placed on a behavioral contract for the following school year. This includes students going from grade 8 to 9.

F. Expulsion Process:

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

STEP I – Investigation and Recommendation for Expulsion

1. The principal or designee investigates the violation and follows due process from Chapter III of this policy.
2. After the student has been afforded initial due process procedures, if the Principal decides that disciplinary action in the form of a recommendation for Expulsion will be made, the following procedures shall be afforded:
 - a. The student shall be given a Short-Term Suspension.
 - b. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion. The conference is held by phone or in person and notes are recorded by a second person.
3. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

STEP II – Expulsion Hearing Determination

1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation. The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
2. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver, which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (Appendix I)
 - a. Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at its next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

STEP III – Expulsion Hearing

1. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
2. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.
3. The student and Parent may also be given copies of the following: (reason for the recommendation, names of witnesses who may appear, and copies of information that may be submitted as evidence).
4. The Expulsion Hearing shall be conducted by a district Board of Education or Hearing Officer.
5. The Board of Education or Hearing Officer:
 - a. shall have full authority to admit or exclude evidence.
 - b. is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.
 - c. may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
 - d. may limit unduly repetitive proof, rebuttal and cross examination.
6. In conducting the hearing, the district shall:
 - a. submit evidence first followed by the response of the student, if any.
 - b. allow further evidence by either party to be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.
 - c. be recorded in a manner that will permit transcription.
 - d. Not allow the Superintendent presenting the case on the part of the District to testify.
7. The student shall have the following rights:
 - a. To be represented by legal counsel at the student's expense;
 - b. To cross-examine witnesses;
 - c. To testify and produce witnesses on his/her behalf; and
 - d. To obtain, at the student's expense, a copy of the transcript of the hearing.

STEP IV – Expulsion Decision by Board of Education

1. Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent. The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.
2. The Board of Education shall:
 - a. conduct a review of the Hearing Officer's recommendation, the transcript and all evidence, and then may accept, reject, or modify the recommendation of the Hearing Officer.
 - b. report to the Delaware Department of Education within five (5) business days of the Board's decision to expel.
 - c. grant a decision in writing, within ten (10) business days of the decision by the Board of Education, to the Superintendent, Parent and student. The written decision shall include notice of the right to appeal to the State Board of Education. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.
 - d. notify the Delaware Division of Motor Vehicle of the beginning and ending date of Expulsion for students who are expelled from the School district/charter school as a request for suspension of driving privileges in accordance with 14 Del.C. §4130(e)(1).

- e. forward a copy of the Delaware Division of Motor Vehicle form to the Delaware Department of Education's Office of School Climate & Discipline.

STUDENTS WITH DISABILITIES

- A. In the case of a known or suspected disabled student, as defined in federal and state regulations, being considered for expulsion or change in placement, an Individual Educational Placement (IEP), Manifestation Determination (MD) or Section 504 (as appropriate) team meeting will be convened before change in placement or expulsion.
- B. The IEP Team will determine whether (1) the alleged conduct is a manifestation the student's disability, or (2) the student's programming and placement was appropriate at the time of the offense. A disabled student's conduct is a manifestation of the disability if the IEP/MD/Section 504 Team so determines. If the IEP Team determines that the offense is a manifestation of the student's disability, the student's program and/or placement may be changed by the team, but not as a disciplinary consequence, and only to provide appropriate services and placement.
- C. If the IEP Team determines that the offense is not a manifestation of the student's disability, the principal will follow the Student Code of Conduct, and continued services and placement shall be determined by the IEP Team.
- D. In instances where the student presents a danger to himself or others as afforded by law, Interim Alternative Educational Settings may be invoked by the District, including homebound instruction.

CORPORAL PUNISHMENT

The use of corporal punishment is not permitted in the Milford School District. This does not prohibit an official or professional employee of the Milford 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 pupil'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 pupil from school premises or motor vehicle or from school-sponsored activities.
6. Using reasonable and necessary physical contact to prevent a pupil 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 Milford 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.

DISCIPLINARY REFERRALS

Disciplinary referrals should occur only when students have clearly and willfully violated the District's Code of Conduct. ~~Staff is expected to use good classroom management practices and behavioral interventions to help all students comply with the school rules and regulations. They are responsible for engaging students in appropriate learning activities and attempting to redirect off-task student behaviors before they become a violation of the code of conduct. Students are responsible for learning the code of conduct and following the rules and regulations of the school. They are responsible for following teacher directions and helping to maintain a classroom atmosphere that is conducive to learning.~~

SMOKING

The State of Delaware prohibits smoking by all persons within all buildings, facilities and school grounds of the District. Smoking includes the use of vape pipes, **juuls** and e-cigarettes.

UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM

Milford Elementary Schools and ~~Morris Early Childhood Center~~ have been declared safe schools.

The Milford School District complies with ~~the Federal No Child Left Behind~~ legislation by providing transfer options to those students enrolled in a District school that has been identified as “persistently dangerous” pursuant to the provisions of DDOE Regulation 608, Unsafe School Choice Option for Students in Persistently Dangerous Schools and for Students Who Have Been Victims of a Violent Felony. Students who have been victims of a violent felony under these provisions may also elect the transfer option program.

Option A: Schools Identified As Persistently Dangerous

- Within ten school days of receiving a persistently dangerous designation from the Department of Education, the District will notify parents of eligible Unsafe School Transfer Option Program students by mail. A Transfer Option Application will be attached to the notification letter. Parents of students moving to a persistently dangerous school at the end of their grade level cluster will also be notified by mail. All parents registering students at a designated school will receive a notice and Transfer Option Application at the time of registration.
- The District will accept Unsafe School Student Transfer Option Applications for fifteen school days following date of the notification mailing. Applications for in-coming kindergarten students will be accepted through first day of new school year.
- Parents will have the option to transfer to another District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.
- Transfers of students will occur within 30 school days of Department of Education notification to the District. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.
- A corrective action plan will be developed and filed with the Department of Education within 20 school days from the date that the District learns that a school has been identified as persistently dangerous.

Option B: Victim of a Violent Felony at a School

- Within five school days from the date of the acknowledgement of a violent felony charge that occurred in or on the grounds of a District school, the District will notify the victim’s parents by certified mail of the Unsafe School Student Transfer Option. A Transfer Option Application will be attached to the notification letter.
- Parents have 10 school days from the date of the certified mailing to exercise their option to transfer to a safe District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.
- The student will be transferred within 30 school days of the District’s notification of violent felony charges being filed. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.

The Milford School District Student Transfer Option Program components are subject to amendments as may be required by law.

WEAPONS – GUN FREE SCHOOLS ACT OF 1994 The Milford Board of Education recognizes that students and staff must be provided with a safe and secure environment for learning, free from fear, harassment or injury caused by the possession of **firearms** weapons in school. In compliance with the Federal Gun-Free Schools Act of 1994, the District adopts the following policy:

Possession of a **firearm** weapon, as defined by Delaware Code, on school property, in a school bus, at any school-sponsored co-curricular activity, shall result in expulsion for a period of not less than 180 school days. The superintendent shall modify the expulsion requirement to the extent a modification is required by Federal

or state law in respect to students who have been determined to have disabilities. The procedures and definitions by which this policy will be implemented are contained in the Student Code of Conduct and Delaware Code.

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 action, all of the offenses should be processed at the appropriate level of action specified for each violation.

REMOVAL OF STUDENTS FROM CLASS OR OTHER SCHOOL ACTIVITY

Faculty and administration have authority over student conduct at all times during school and school related activities outside the school day, including riding buses. Students will be removed from class or school activity based upon the judgment of teachers and administrators. Criteria for removal of students include the safety of student and others, any form of violence, persistent disruption that interferes with learning, prevention of such situations and compelling need to speak to student privately. In using their judgment to remove a student, staff will use the Student Code of Conduct as the guide for their decisions. ~~This means that the staff member is required to send a discipline referral to the office by the end of the day the student was sent out of the room. This will give the person dealing with the student the necessary information to process the student. Also, the teacher is required to make a parent contact.~~ When a punishment or penalty is given to a student, it will be at the discretion of school authorities and based upon the Code of Conduct.

~~**When students are to be removed from a class or school activity during the school day, an adult staff member will escort them to the appropriate school office.** Students will not be sent out of class to report to the office alone or with another student. If a student needs to be removed, the teacher will contact the office and follow procedures established in that school to summon assistance to remove a student. If immediate violence is a consideration, the staff member will take whatever steps are reasonably necessary to prevent the situation from escalating and separate anyone they deem necessary. If the student refuses to leave the area and go to the area designated by the adult staff member, the police will be summoned to remove the student, with reasonable force, if necessary, at the discretion of the police. Charges will be filed at the discretion of the administration, involved faculty and police.~~

~~Removal may be permanent or temporary. The teacher and principal will determine terms of removal by applying Code of Conduct, other rules or policies and the needs of the student and the other students involved. If teacher and principal do not agree on the outcome, the principal will give a written explanation to the teacher within three working days. If needed, a formal hearing may be held before the superintendent/designee to determine status of the student relative to enrollment and/or participation in class or activity. School board policies for hearings and state law apply to these circumstances.~~

STUDENT RECORD

All discipline offenses shall be made a part of the student's discipline record. A new record for the student will be started each school year.

CHAPTER IV VIOLATIONS OF THE STUDENT CODE OF CONDUCT

DRUG, ALCOHOL, AND STEROID POLICY

The Milford School District believes that drugs, alcohol and steroids have no place in the school environment and are prohibited. The Milford School District supports a zero tolerance policy tempered by the desire to encourage students with substance abuse problems to come forward and seek help with treatment and counseling.

State and district policies shall apply to all students ~~except that with respect to disabled students, the Federal Law will govern and a determination of whether the violation of the alcohol 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 fourfold:

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

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

The Board Hearing recognizes the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the school community. The Board Hearing, 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 Hearing considers offenses related to drugs and alcohol very serious both for the individual involved and for the welfare of other students in the district. Therefore, the following rules and regulations have been developed:

1. Any ~~9-12~~ 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 referred to the Board Hearing by the administration for an expulsion hearing. ~~The investigation leading to the recommendation for expulsion 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 by the Central Review Committee, chaired by the appropriate district school district Director. In cases involving special education students, the Board Hearing may, at its discretion, waive a hearing and accept the IEP Team recommendation of the particular school.~~ **investigated**
2. ~~The act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. The student will be expelled for a term not to exceed one calendar year and credit will not be given for courses in which the student is currently enrolled. An expelled student can reenter school at the end of the term of expulsion and upon Board Hearing approval, and may be placed under a behavior contract agreed upon by the principal, Superintendent or designee, and the student and parent(s).~~
3. ~~Students in grades nine through twelve who are expelled from school for offenses related to substance abuse may earn up to three credits through correspondence programs accepted by the Milford School District. Three credits from correspondence programs are the maximum accepted by the state that can be applied toward a diploma.~~
4. All violations of this policy are to be immediately reported to the school principal who will verbally notify the student's parent(s) of the investigation. In all cases, the Youth Aid Division of the Milford 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 hearing with the student, the principal has the authority to suspend the

student for up to ten school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(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 appropriate director who will then convene a meeting of the Central Review Committee. If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student's parent(s) in writing ~~and identify the time and place of the student's hearing before the school Board Hearing. This hearing before the school Board Hearing should be held within ten school days from the beginning of the student's suspension. If an exception is made to the time line, the school Board Hearing will provide homebound instruction to the student until such time as the Board Hearing can convene to hear the student's case.~~

5. All alcohol, drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the principal or designee and be made available, in the case of a medical emergency, 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.
6. ~~Students of majority age, i.e., age 18 or older, are responsible for their own actions. All such students will be treated as adults for purpose of reporting violations of this policy and of the law to the police. Such 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.~~
7. 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, she/he may be suspended from school ~~for a minimum of five days and suspended also from all participation in extracurricular activities, including sports and marching bands.~~ Any student who violated the above policy more than one 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 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 Milford School Board Hearing. 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 Milford School District's Discipline Policy.~~
8. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are those prescribed to a student by a licensed physician or that which can be purchased over the counter and 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 and administered as per the physician's/parent's/guardian's written order. Violations of the policy could result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

~~The Discipline Hearing realizes that a policy that supports the recommendation of expulsion on the first offense 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 she/he 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 Discipline Hearing **Milford School District** 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. The ~~Discipline Hearing~~ **Milford School District** has also designated the school nurse and/or psychologist in ~~district elementary schools~~ and ~~guidance~~ **school** counselors and/or nurse 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 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:

1. The express representation that the substance is a controlled substance; or
2. 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 substance; or
3. 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:

- A. The non-controlled substance is packaged in a manner normally used for the illegal delivery of controlled substances.
- B. The delivery or attempted delivery included an exchange of 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.
- C. 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 non-controlled substance as a controlled substance is established, refer to #40 for appropriate penalties.~~

AGGRESSIVE GROUPS AND GANG POLICY

The Milford School District recognizes that the harm done by the presence and activities of gangs and aggressive groups in public schools exceeds the immediate consequences of such activities such as violence and destruction of property. Gang and aggressive group activities also create an atmosphere of intimidation in the entire school community. Both the immediate consequences of this activity and the secondary effects are disruptive and obstructive of the process of education and school activities.

It is therefore the policy of the Milford School District that gangs and aggressive groups are prohibited in the Milford School District Schools, according to the following:

I. Definitions for Purposes of this Policy

An "aggressive group" is any group of two or more students who act collectively in an aggressive, confrontational, or territorial manner toward other students within the school or in violation of disciplinary rules of the school district.

An "organized aggressive group" act collectively in an aggressive, confrontational, or territorial manner toward other students within the school or in violation of disciplinary rules of the school district have one or more of the following characteristics: An action against a single member of the group is responded to by multiple members of the group, the group identifies itself with a name, similar clothing or colors, established symbols and handshakes, similar hairstyles, or other identifying characteristics

A "gang" is any group of two or more students whose purposes include the commission of illegal acts; "gang related activity" includes but is not limited to the prohibited conduct set forth below.

II. Prohibitions

No student on school property or at any school activity on or off campus shall:

1. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in or affiliation with any gang or aggressive group.
2. Engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation with any gang or aggressive group.
3. Engage in any act to further the interests of any gang or aggressive group, including, but not limited to:
 - a. soliciting membership in, or affiliation with, any gang;
 - b. soliciting any person to pay for "protection," or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - c. painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property;
 - d. engaging in violence, extortion, or any other illegal act or other violation of school policy;
 - e. soliciting any person to engage in physical violence against any other person.

III. Procedures

1. WATCH: the same students are noted to be persistent in aggressive group behavior
 - a. a list of the students is established and maintained
 - b. record all relevant actions, interactions, reports, and rumors
2. INTERVENTION: When sufficient documentation has accumulated
 - a. Interview, set limits, and warn individually
 - b. Send letter to parents
 - c. Apply appropriate discipline for all group activity: Inflammatory Actions, Bullying, and Defiance
3. GANGS AND ORGANIZED AGGRESSIVE GROUPS
 - a. Prohibited from assembly on school grounds
 - b. Arrests off campus will result in a referral under M016.
 - c. Expulsion hearing for all acts of violence or intimidation

IV. Application and Enforcement

1. In determining, as part of the application and enforcement of this policy, whether acts, conduct, or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.
2. This policy is intended to work in conjunction with the Bullying Policy found elsewhere in the MSD Code of Conduct.
3. The removal of graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be removed or covered within twenty-four (24) hours of its first appearance to school officials, or as soon thereafter as possible.
4. School officials are strongly encouraged to work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement can provide school officials with information regarding gang-related activities in the area, including names and characteristics of local gangs.
5. The superintendent, in consultation with the appropriate building principals, should report instances of gang-related criminal acts or acts of serious disruption to School Board and local law-enforcement authorities for further action.

V. Violations of Policy

Students who violate this policy shall be subject to the full range of school disciplinary measures, in addition to applicable criminal and civil penalties.

HARASSMENT

Sexual harassment or harassment is defined as misconduct by students based upon race, national origin, disability, religion, sexual orientation, or similar characteristic. The Milford Board of Education believes that all persons are entitled to a safe school 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, sexual orientation, or similar characteristic have been adopted.

SEXUAL HARASSMENT BY DISTRICT STUDENTS

Sexual harassment is a form of sex discrimination and is illegal under *Title VII of the Civil Rights Act of 1964*, which protects persons in the work place, and *Title IX of the Education Amendments of 1972*, which protects persons from sex discrimination at school. Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by threats relating to job or school performance and evaluation; and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- **written contact**--suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- **visual contact**--sexually suggestive looks or gestures, displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
- **verbal contact**--sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- **physical contact**--uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- **retaliation**--any action taken or threatened against another person for complaining about any of the behaviors described above.

If you believe your child is the subject of sexual harassment or if you become aware of an instance of sexual harassment, you should report the circumstances immediately to a teacher or the principal or assistant principal of your school, to the Superintendent of the school district, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to district staff must be reported by such staff to the Milford School District Title IX Coordinator (Director of Personnel) at the administrative office.

Upon receiving notice of a complaint of sexual harassment concerning a school district student, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible.

A school district student who is found to have committed sexual harassment toward another student or staff member will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, the placing of the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives. Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

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

Harassment or misconduct that is based upon a person's race, national origin, disability, religion, sexual orientation, or similar characteristic by a student directed against or toward another person that occurs on the school district's premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic.
2. Oral or written words communicated by any student to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic.
3. Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.
4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in Nos. 1-3 above.

If you believe your child or another person is the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting harassment. All complaints made to district staff must be reported by such staff to the Milford School District Title IX Coordinator (Director of Personnel) at the administrative office. Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible. A school district student, who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include placing the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

SCHOOL BULLYING & CYBERBULLYING PREVENTION POLICY

The Milford School District (the "District") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and all employees.

I. Prohibition of Bullying Which Includes Cyberbullying

The District prohibits the bullying of any person on school property, at school functions, by use of data or computer software accessed through a computer, computer system, computer network or other electronic technology of the District from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

II. Definition of Bullying& Cyberbullying

As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of:

- A. Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being, or substantial damage to his or her property; or
- B. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions, or due to a power differential between the bully and the target; or
- C. Interfering with a student having a safe school environment necessary to facilitate educational performance, opportunities or benefits; or
- D. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.
- E. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.
 - 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
 - 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

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

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

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

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

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

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

Sexual Bullying: Unwanted touching of a sexual nature **with the exception of physical contact which is deemed criminal and/or meets the definition of Unlawful Sexual Contact as defined in DE Code §4112**, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is not exhaustive. Such actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other District policies or building, classroom or program rules.

III. School-Wide Bully Prevention Program

The District is committed to support each school in their adoption of a school-wide bully prevention Program. Each school is directed to develop or adopt a school-wide, research-based bully prevention program. A Coordinating Committee will be created, as described in Section IV of this policy.

IV. Coordinating Committee

Each school shall establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program.

V. Reporting Requirements

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously. Any school employee with reliable information that would lead a reasonable person to suspect a person is a target of bullying shall immediately report it to the administration.

VI. Investigative Procedures

- A. Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
- B. All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or the principal's designee within five (5) working days.
- C. Some acts of bullying may also be crimes which must be reported to the police and/or the department of education pursuant to the school crime reporting law (14 Del. C. § 4112)

VII. Non-Classroom Supervision

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

VIII. Consequences for Bullying

The following, including a combination of the following, may be considered by administrators to be the appropriate range of consequences for bullying:

- A. Time-out.
- B. Loss of privileges.
- C. Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
- D. Notices to parent.
- E. Serious talk with school staff member.
- F. Serious talk with school staff member with parents present.
- G. Behavioral report cards sent home.
- H. Creation of a behavior contract.
- I. In-school suspension.
- J. Detention.
- K. In-school suspension for up to five days.
- L. Reassignment of seats in class, lunch or on bus.
- M. Forbidden to enter certain areas of school.
- N. Reassignment of classes.
- O. A referral to an external agency
- P. Reassignment to another school, or another mode of transportation.
- Q. Expulsion.
- R. Report to Law Enforcement officials

VIX. Retaliation

Retaliation for reporting bullying is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act. The potential consequences for retaliation are as set forth in the preceding section.

Reporting Procedures

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) of this Title or legal guardian to provide information on bullying activity will be as follows:
 - 1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits. The staff member will report the complaint to the administration or designee.
 - 2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will assist to provide the child with a practical, safe, private and age-appropriate method of doing so. The staff member will report the concern to the administration or designee.
 - 3. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
 - a. Conduct involved
 - b. Persons involved, designated bully, target, and bystanders' roles
 - c. Time and place of the conduct alleged, number of incidents
 - d. Names of potential student or staff witnesses
 - e. Any actions taken in response
 - 4. Short, easy to use complaint forms can be obtained from the school administration or district office. (Appendix II – MSD Bullying Reporting Form)
 - 5. An electronic system will be established whereby a person can email or call in anonymous complaints of bullying that only designated persons will have access

to.

6. Anyone may report bullying. A report may be made to any staff member.
7. Each principal will designate a person or persons responsible for responding to bullying complaints.
8. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents (Milford School District RAP), which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

X. Anonymous Reports

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

XI. Notification of Parents, Guardian or Relative Caregiver

A Parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

XII. Procedure to Communicate with Medical and Mental Health Professionals.

The following procedures for communication between school staff members and medical professionals who are involved in treating students for bullying issues must be followed:

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPPA and FERPA guidelines.
2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to the parent's child.
3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
 - a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
 - b. Require that the student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
4. A summary of the evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.

A. Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hot line (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance company for recommended providers in the area.

XIII. Implementation

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

XIV. Accountability

Each school shall notify the District in writing of its compliance with this policy and submit a copy of the procedures adopted under this policy by *January 1* of each school year. Each school shall verify for the District the method and date the policy has been distributed to all students, parents, faculty and staff.

XV. School Ombudsperson Information

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

XVI. Informing Students of Electronic Mediums

Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy through the end of 2013-14 school year, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall, at minimum, be included in each district's and charter's school list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. **This list is not considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim shall be considered an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as "blogs" which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.**

XVII. Policy Notification

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

XVIII. Rules and Regulations

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

XIX. Other Defenses

- A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action initiated under this policy provided there is sufficient school nexus.
- B. This section does not apply to any person who uses data or computer software accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district policy and with the approval of the superintendent.

XX. Relationship to Other Laws

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

Nothing in this policy shall supersede or be construed in such a manner as to conflict any state or federal laws concerning special education or individuals with disabilities.

DISCIPLINE OFFENSE AND ACTION MATRIX

	Levels (key below): T – Teacher/Staff A – Administrator P – Police C – Committee B – Board		Category	Number of Offenses			
Code	Offense	Definition		1	2	3	4 +
S0301	Abusive/Inappropriate Language	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar towards an employee of the Milford School District.	1	T	T	A	A
C0625 C0601 C0626	Deadly Weapon Possession/Concealment/Sale	Possession, concealment, or sale of a Deadly Weapon in the School Environment. 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 club; blackjack; bludgeon; metal knuckles; slingshot; razor, bicycle chain; ice pick; xacto knife; mace; pepper gas; taser; non-functional weapons; box cutter; or any other article commonly used or designated to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when used, displayed in a threatening manner, or attempted to be used, to cause death or serious physical injury.	4	A (B, P)			
C0621	Dangerous Instrument(s) Possession/Concealment/Sale	Possession/concealment/sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.	4	A (B, P)			
S0141	Academic Cheating	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, or projects. Use of cell phone during an assessment is classified as cheating. Also, plagiarism, the adoption or reproduction of original creations of another author without due acknowledgement, is considered academic cheating.	1	T	T	A	A
S0081	Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	1	T	T	A	A

S0091	Disruption of Educational Process	Individual or group behavior which seriously or repeatedly interferes with effective functioning of the teacher, student, or class in the classroom; individual or group behavior outside of the classroom which seriously or repeatedly interferes with effective functioning of the teacher, student, class, or school.	1	T	T	A	A
S0291	Dress Code Violation	Violation of Dress Code outlined in Milford School District Board Policy 5415.	1	T	T	A	A
S0102	Failure to Obey Safety Procedures Inappropriate Behavior: Safety Violation	Student does not obey safety procedures as outlined by school officials.	1	T	T	A	A
S0107	Inappropriate Behavior: Careless and Reckless Behavior	Intentional/unintentional behavior that threatens to or causes personal injury or property damage. For example: shoving, horseplay, and reckless play including but not limited to: detonating caps or snaps, hair pulling, pinching, pushing or tripping, running, slamming or kicking doors, sticking, stinging, tacks on chair or floor, throwing objects, etc.	1	T	T	A	A
S0321	Falsification – Written/Verbal	This includes but is not limited to making something false for the purpose of deception or fraud, altering something for the purpose of deception, or using a false name or identification.	1	T	T	A	A
S0011	Use of Profanity	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar	1	T	T	A	A
S0312	Unauthorized Use of Cell Phone/Electronic Device	This includes but is not limited to tablets, computers, radios, MP3 players, electronic games, beepers, cell phones, CD players, giga pets, lasers, camera, and all electronic equipment, etc. NOTE: Cell phone power must be turned off and out of sight during the school day. Cell phone use during the school day within the school building is prohibited without permission from a school official. Use of cell phone during an assessment is classified as cheating.	2	T	A	A	A
D0301	Destruction of School Property Criminal Mischief (Vandalism)	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property. This includes student and school property.	2	T	A	A	A
S0321	Forgery or School Paperwork Destruction Falsification – Written/Verbal	This includes but is not limited to making something false for the purpose of deception or fraud, altering something for the purpose of deception, or using a false name or identification.	2	T	A	A	A
S0108	Inappropriate Behavior Consensual and/or Sexual Misconduct	Any request or suggestion of action by one or more persons involving the use or display of those parts of the body generally referred to as “private” (unacceptable in public) in which he/she knows this conduct is likely to cause alarm to another person; explicit sexual actions or display; explicit written or spoken words of a sexual nature (includes photographs, other pornography and sexually related items). A consensual sexual act(s) between two individuals within the School Environment.	2	T	A	A	A
D0801 D0802	Offensive Touching	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is	2	T	A	A	A

		thereby likely to cause offense or alarm to such other person.					
S0111	Stealing/Theft	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	2	T	A	A	A
S0271	Trespassing	Entering or remaining on school property without authorization; including, but not limited to, knowing or unknowing entry upon school property by a suspended student or student from another school who does not have a legitimate reason for being there.	2	T	A	A	A
S0052	Leaving Assigned Area Without Permission	Leaving an assigned area without authorization.	2	T	A	A	A
S0131	Unsafe Items	Items such as: utility knives, ice pick, lighter, pocket knife, scissors, and anything as deemed unsafe by the administration	2	T	A	A	A
S0181	Acceptable Use Policy Violation	Soliciting, using or sending pornographic or obscene material, accessing unauthorized email, downloading and/or installing files with or without malicious intent, and/or damage to equipment within the school environment; or a situation in which a student tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.	3	A	A		
S0161	Attorney General's Report	includes a felony, misdemeanor or violation defined in the Delaware Code, as well as behavior of a person under 18 years of age which would be considered a felony, misdemeanor or violation if it had been committed by an adult. Attorney General's Report shall mean the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	3	A	A		
S0081	Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	3	A	A		
S0201	Failure to Perform Properly during ISS/ISD	Student does not report for disciplinary action (such as ISS, detention, etc.) and/or fails to comply with disciplinary consequence. Student does not perform properly in ISS.	3	A	A		
S0151	Fire Alarm Incident	A person intentionally set off a false school fire alarm, or call in a false 911 emergency directly or indirectly; recklessly damage or interfere with effective functioning of school's fire alarm system.	3 4	A	A		
S0101	Inappropriate Behavior	A student uses, or threatens to use, language, gestures, or actions which create or might create a disturbance, including gossip and rumors; uses remarks, spoken or written, that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national	3	A	A		

		origin, marital status, physical or mental disability, political or religious beliefs, family, sexual orientation, social or cultural background; after teacher has intervened and warned student, the student continues refusing to participate in class---not completing classwork and participating in group activities; possessing the property of another without the consent of the owner or transferring the property of another without the consent of the owner; the use of bold, rude, or disrespectful insulting remarks or actions; violating classroom rules not specifically covered by the student code; entering school late without notifying the office personnel; releasing potentially dangerous chemicals or gases; possession of or igniting explosive devices; joining in a secret agreement to violate school or classroom rules, planning or discussing actions which are a violation of school or classroom rules.					
S0051	Leaving School Grounds without Permission	Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student's scheduled day.	3	A	A		
S0111	Stealing	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	3	A	A		
D1401	Tobacco Possession/Use	Possession or distribution of any tobacco product and/or lighted cigarette (cigar, pipe, vape pipe, e-cigarette, etc.), inhaling or exhaling smoke, chewing or using tobacco products	3	A	A		
S0271	Trespassing	Entering or remaining on school property without authorization; including, but not limited to, knowing or unknowing entry upon school property by a suspended student or student from another school who does not have a legitimate reason for being there.	3	A	A		
S0131	Unsafe Items	Items such as: utility knives, ice pick, lighter, pocket knife, scissors, and anything as deemed unsafe by the administration	3	A	A		
C0713	Distribution of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	The sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Nonprescription Medication or Prescription Drugs and/or look-alike substances.	4	A (B, P)			
D0501 D0502 D1301 D1201 D1601 C0701 C0719	Use and/or Possession of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia. Unlawful Use or Possession of drug or alcohol look-alike substances. Unlawful Use or Possession of steroids. Unlawful Use or Possession of chemical vapors that are inhaled for their mind-altering effects. Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.	4	A (B, P)			
C0201	Assault III	A person intentionally or recklessly causes physical injury to another person or With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	4	A (B, P)			
D0901 D0902	Terroristic Threatening	When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School	4	A (B,			

		<p>Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.</p> <p>A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.</p>		P)			
D0701	Bullying/Cyberbullying	<p>Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.</p> <p>The use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school.</p> <p>Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.</p>	4	A (B, P)			
D03	Criminal Mischief (Vandalism)	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property. This includes student and school property.	4	A (B, P)			
C0141	Extortion	Student attempts to obtain money or goods from another by threat of force or force.	4	A (B, P)			
S0111 D0601	Stealing/Felony Theft (\$1000 or More)	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or	4	A (B, P)			

		obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.					
D1101	Fighting/Disorderly Conduct	Any aggressive physical altercation between two or more individuals. Conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	4	A (B, P)			
D0801 D0802	Offensive Touching (Employee or Student Victim)	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	4	A (B, P)			
D0101	Pornography: Poss & Prod	Possession, sharing, or production of any known obscene material in the School Environment.	4	A (B, P)			
D1001	Sexual Harassment (Student Victim)	A threat to engage in conduct likely to result in the commission of a sexual offense against another individual. The offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.	4	A (B, P)			
D0401	Tampering with Public Reports	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	4	A (B, P)			
D0901 D0902	Terroristic Threatening (Employee/Student Victim)	When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment. A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.	4	A (B, P)			
C0301	Unlawful Sexual Contact III	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student	4	A (B,			

		knows that the contact is either offensive to the victim or occurs without the victim's consent.		P)			
C0101 C0163	Criminal Violent, Sexual, Weapons, Dangerous Instrument Felony Offense	Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).	4	A (B, P)			

GLOSSARY

Behavioral Contract - When repeated inappropriate behaviors occur or when a student fails to respond to recommended or required consequences for inappropriate behaviors, the student may be placed in a behavioral contract. A behavioral contract is an agreement between a student, the student's parent(s) or guardians, and an administrator. The behavioral contract will specifically state the conditions that, unless met, will result in a recommendation for further disciplinary action.

Central Review Committee - To consider students who have repeatedly and/or seriously violated school rules and regulations and have been referred by a school review committee or administrator. Committee is headed by the ~~appropriate school district~~ Director or Instruction/Designee and is made up of school personnel from throughout the district. Committee will pass on its recommendation to the Superintendent/Designee.

Gambling – School Violation - student participates in games of chance for money and/or other things of value.

Loitering - student is present in any school area without authorization including student on school property after dismissal.

Notification – direct contact by telephone, in person, or by certified mail, unless otherwise designated.

Parent – includes natural parent, adoptive parent, or any person, agency, or institution that has temporary or permanent custody or guardianship over a student under 18 years of age.

Parent Contact or Conference - means a telephone contact, written communication or meeting with a parent/legal guardian in person unless otherwise designated.

School Employee – includes all persons 18 years of age or older hired by a school district; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property.

School Function – includes any field trip or any officially sponsored public school event in the State.

School Volunteer – a person 18 years of age or older who, without compensation, renders service to a public school. "School Volunteer" includes parents who assist in school activities or chaperone school functions.

Written Report – includes printed paper filings and electronic filings that can be printed.

DDOE Regulation 614 - Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion. The regulation can be found at the following link:

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

~~GUN-FREE SCHOOLS ACT OF 1994~~

~~WEAPONS IN SCHOOL~~

~~The Board of Education recognizes that students and staff must be provided with a safe and secure environment for learning, free from fear, harassment or injury caused by the possession of weapons in school. In compliance with the Federal Gun-Free Schools Act of 1994, the district adopts the following policy:~~

~~Possession of a weapon, as hereafter defined, on school property, in a school bus, at any school-sponsored co-curricular or extra-curricular activity, shall result in expulsion for a period of not less than 180 school days. The superintendent shall modify the expulsion requirement to the extent a modification is required by Federal or state law in respect to students who have been determined to have disabilities. The procedures by which this policy will be implemented are contained in the district's Student Code of Conduct.~~

~~**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 club; blackjack; bludgeon; metal knuckles; slingshot; razor, bicycle chain; ice pick; or any other article commonly used or designated to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes.~~

~~The following are required:~~

- ~~• Refer to Superintendent or his/her designee for a Superintendent Hearing.~~
- ~~• Required notification of parents about referral to Superintendent.~~
- ~~• Superintendent shall suspend students who are charged with "Violation of Board/Superintendent's Probation" until hearing (to be scheduled within 15 class days.)~~
- ~~• Administration must give a Rudimentary Hearing:~~
 - ~~(1) Oral notice of charges to student.~~
 - ~~(2) If charges are denied, then,~~
 - ~~(A) Explanation of evidence against student, and~~
 - ~~(B) Student given opportunity to tell his/her version.~~
- ~~• Special Education Students – Review by Psychologist and IEP Team to determine if offense due to the child's~~

- specific handicap. Refer to Board Policy #5416.
- ~~Required one of the following Superintendent's options:~~
 - ~~(1) Review Program.~~
 - ~~(2) Refer to other agencies.~~
 - ~~(3) Probation.~~
 - ~~(4) Any penalty in this system.~~
 - ~~(5) Order student withdrawn from school.~~
 - ~~(6) Refer to law enforcement agency.~~
 - ~~(7) In case of guilt of Board probation, execute the Board's directive to expel the student.~~
 - ~~Parents or students have the right to appeal the decision of the Superintendent to the Board of Education.~~

Police Contact - Student actions which may be considered a crime will be reported to the appropriate police officials or School Resource Officer. The police determine whether a crime has been committed and if charges will be filed.

Student Support Team (SST) - Students who exhibit repetitive disciplinary actions may be referred to the school's SST. The SST is a committee of school teachers, administrators, and support staff such as school nurse, psychologist or visiting teacher who meet to discuss strategies aimed at supporting students.

Parent Contact - Whenever a student receives disciplinary actions, a parent will be contacted. This includes phone call to the parent, email/text, or a face-to-face conference. School administrators may require a face-to-face conference with a parent/guardian in order for a student to return to school.

Central Review Committee – Students with continuous code of conduct violations may be referred to a Central Review Committee which includes representation from district administrators, school officials, and school district support staff such as the visiting teacher, school counselors and/or school psychologists.

Attorney General's Report: Any charges received by a student either in school or out of school are reported to school district officials from the Attorney General's office. School district officials are provided access to view specifics of each charge against a student via a state crime database. The Milford School District may take disciplinary action on the charges to ensure the safety and welfare of the student body even if the charges have not been adjudicated and in accordance with Due Process procedures.

ACTION CATEGORIES

LEVELS:

A – Administrator

~~C – Committee~~

SST student support team

T – Teacher

~~P – Police~~

~~IEP – Independent Education Plan for Special Education Students~~

~~C – Committee~~

~~B – Board~~

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

CATEGORY 1

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	T	30 minutes individual reflection time with supervision (in classroom) Parent contact – by phone or by mail (administrative contact optional) Submit discipline form within 1 school day for discipline tracking purposes
2	T	Up to 60 minutes individual reflection time in school (in classroom) Parent contact - conference required Parent contact – administration will make contact with the student. Submit discipline form within 1 school day for discipline tracking purposes and administrator follow-up.
3	A	Up to 2 hrs. in-school individual reflection time (maximum 1 hr.)

Parent ~~contact~~ conference
~~Restrict or provide alternate class activities~~ such as recess or special activities
~~may be restricted.~~
 Loss of privilege(s)

4	A	Refer to SST Team or IEP team (teacher). School Suspension/In-School Detention—up to one day. Parent contact conference Restrict or provide alternate class activities Classroom activities such as recess or special activities may be restricted.
5+	A	School Suspension/In-School Detention—up to two days. Parent contact - required conference with administrators and teachers. Restrict or provide alternate class activities Classroom activities such as recess or special activities may be restricted. Central Review Committee referral

~~Payment for damages may be required for offenses in school.~~

~~NOTE: Students continuing to accrue offenses will automatically be referred for a rudimentary hearing, and will be suspended from school until the hearing is held. The hearing will be held within thirty (30) days.~~

CATEGORY 2

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	T	Up to 60 minutes individual reflection time with supervision (in classroom) Parent contact - conference required Administration will make contact with the student. Submit discipline form within 1 school day for discipline tracking purposes and administrator follow-up.
2	A	Up to 3 hrs. in-school detention Parent contact conference Classroom activities such as recess or special activities may be restricted. Restrict or provide alternate class activities
3	A	Refer to Team or IEP team (teacher) School Suspension/In-School Detention up to 1 day Parent contact conference Classroom activities such as recess or special activities may be restricted. Restrict or provide alternate class activities
4+	A	Refer to SST Team or IEP team (teacher). School Suspension/In-School Detention up to 2 days Parent contact - required conference with administrators and teachers. Restrict or provide alternate class activities Classroom activities such as recess or special activities may be restricted.

~~According to 5417 SCHOOL BUS CODE OF CONDUCT POLICY.~~

~~Payment for damages may be required for offenses in school or on the bus.~~

CATEGORY 3

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	A	School Suspension/In-School Detention up to 2 days Parent contact conference required between parent and administrator, and may include teacher. Restrict or provide alternate class activities Central Review Committee referral Rudimentary Hearing may be held. Classroom activities such as recess or special activities may be restricted.
2	A	Refer to SST Team (teacher). School Suspension up to 3 days Parent conference required between parent and administrator, and may include teacher. Parent contact - required conference with administrators and teachers. Restrict or provide alternate class activities Mandatory Central Review Committee referral Rudimentary Hearing by Superintendent/designee will be held. Classroom activities such as recess or special activities may be restricted.
3+	A	School Suspension up to 5 days pending a mandatory rudimentary Hearing. Mandatory Central Review Committee referral Mandatory Rudimentary Hearing by Superintendent/designee will be held.

Payment for damages may be required for offenses in school or on the bus.

~~NOTE: Students with four (4) or more Category 3 Offenses will be automatically referred for hearing with Superintendent or designee. Student will be suspended from school or the bus until the hearing is held. Hearing will be held within thirty (30) days.~~

CATEGORY 4

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	A	School Suspension, up to 5 days — Pending a Mandatory Rudimentary Hearing Central Review Committee Referral Referral to superintendent or designee
	B	Notification of board
	P	Police
2+	A	School Suspension up to 10 days, after consultation with Superintendent or designee Mandatory Central Review Committee Referral Referral to Superintendent or designee for a Mandatory Hearing
	B	Notification of Board
	P	Police

REQUIREMENTS

1. **Student Record** - All discipline offenses shall be made a part of the student's discipline record. A new record for the student will be started each school year. ~~Discipline forms must be turned in within 1 school day. If a Category 4 offense has occurred, it must be reported immediately to the building administration. Copies of referrals submitted will be processed, with a copy sent to parents and a copy returned to the teacher or driver and contractor.~~

2. ~~Implementation~~ – All employees shall implement the elementary school discipline policies as required by the schedule of offenses, levels and actions.
3. ~~Multiple Offenses~~ – If a student commits more than one offense, the offense with the highest penalty is to be chosen for action.
4. ~~Cumulative Offenses~~ – When a student has an accumulation of four offenses, they are to be referred to IST/Target Team or IEP team.
5. Parent Meeting Request and Parent Communication – Teachers, ~~contractors and drivers~~ are required to attempt to contact parents and/or building administrator of preK, kindergarten and 1st grade students prior to the first write-up. This is to enlist the assistance of parents in correcting the problem before a write-up is issued. Teachers, ~~contractors and drivers~~ are encouraged to contact parents of children in grade 2-5 and/or building administrator prior to writing up the students, particularly before the first write-up.
6. ~~At any point, teachers, may request a meeting with administration and parents in order to address discipline concerns. Parents may also request a meeting in order to address concerns wherein the teachers will be asked to attend.~~
8. Rudimentary Hearing Central Review Meeting
 - a. ~~Oral notice of charges to student~~
 - b. ~~If charges are denied, then~~
 1. ~~Explanation of evidence against student, and~~
 2. ~~Student given opportunity to tell his/her version.~~
9. Parent/Student Conference - See Board Policy #5408.
10. ~~Suspension And Expulsion Of Pupils – Elementary Schools – See Board Policy #5410.~~
11. ~~For Category 4, all of the following apply:~~
 - ~~• Referral to law enforcement agencies if required by policy.~~
 - ~~• Referral to Superintendent, who may refer to Milford Board of Education.~~
 - ~~• Required three-day suspension by the principal.~~
 - ~~• Special Education Students – Review by Psychologist and IEP to determine if offense due to the child's specific disability. Refer to Board Policy No. 5416.~~
 - ~~• (Administrator may hold case in committee for procedural matters.)~~
 - ~~• Required notification of parents about referral to law enforcement and possibly to Board.~~
 - ~~• Superintendent may continue suspension until Board hearing if required (to be scheduled within 30 days.)~~
 - ~~• Administrators must give a rudimentary hearing:~~
 - ~~(1) Oral notice of charges to student.~~
 - ~~(2) If charges are denied, then,~~
 - ~~(A) Explanation of evidence against student, and~~
 - ~~(B) Student given opportunity to tell his/her version.~~
 - ~~• The Board may take any disciplinary action it deems appropriate, including expulsion.~~

~~In exercising its discretion, the Board may select from among the following alternatives, or it may fashion or impose any other discipline which is reasonable when applied to the case under consideration.~~

 - ~~(1) Probation for rest of school year.~~
 - ~~(2) Probation for rest of school career.~~
 - ~~(3) Probation as specified above, plus any one or more of the following alternatives, with the~~
 - ~~duration being determined by the Board:~~
 - ~~(A) Detention.~~
 - ~~(B) Psychological testing by a school psychologist.~~
 - ~~(C) Counseling from a social service agency or private counseling service at expense~~

- _____ of student or parent/guardian.
- _____ (D) _____ Community service (tasks to be assigned by the Principal).
- _____ (4) _____ School (after school hours or on weekends).
- _____ (5) _____ Community (non-profit service organizations).
- _____ (6) _____ Non-participation in school activities.
- _____ (7) _____ Non-attendance at school activities.
- _____ (8) _____ Restitution for damages caused by student.
- _____ (9) _____ Behavior contract or agreement prepared by the Principal or child study team (for special education students).
- _____ (10) _____ Suspension.
- _____ (11) _____ Expulsion.

INSTRUCTIONAL SUPPORT TEAM (IST)/Target Team IEP

The Target Team or IEP team will function as a support system to classroom teachers in handling difficult and/or persistent discipline problems. The primary focus of the teams in cases of discipline will be to review discipline offenses and to make recommendations to improve the child's behavior. Brainstorming will be encouraged as a way of working out creative solutions to provide support to the regular classroom teacher and to assist the child in a behavior improvement program. In general, the teams will provide a positive, proactive approach to discipline management, rather than a punitive approach. The format of Functional Behavior Assessment/Behavior Intervention Plan (FBA/BIP) may be used to guide the discussions and work toward improvement.

STUDENTS WITH DISABILITIES

- E. In the case of a known or suspected disabled student, as defined in federal and state regulations, being considered for expulsion or change in placement, an Individual Educational Placement (IEP), Manifestation Determination (MD) Section 504 (as appropriate) Team meeting will be convened before change in placement or expulsion.
- F. The IEP Team will determine whether (1) the alleged conduct is a manifestation of the student's disability, or (2) the student's programming and placement was appropriate at the time of the offense. A disabled student's conduct is a manifestation of the disability if the IEP/MD/Section 504 Team so determines.
- G. If the IEP Team determines that the offense is a manifestation of the student's disability, the student's program and/or placement may be changed by the team, but not as a disciplinary consequence, and only to provide appropriate services and placement.
- H. If the IEP Team determines that the offense is not a manifestation of the student's disability, the principal will follow the Student Code of Conduct, and continued services and placement shall be determined by the IEP Team.
- I. In instances where the student presents a danger to himself or others as afforded by law, emergency placements may be invoked by the District, including homebound instruction.

NON-SPECIAL EDUCATION STUDENTS:

IST/Target Team may consist of:

- _____ 1. _____ The building principal
- _____ 2. _____ The child's teacher
- _____ 3. _____ One other professional staff member (such as regular teacher, behavior specialist, special education teacher, or counselor).
- _____ 4. _____ Counselor from outside agency
- _____ 5. _____ School psychologist
- _____ 6. _____ Nurse

STUDENT DISCIPLINE: ALTERNATIVES FOR THE IST/Target Team/IEP TEAM

- _____ 1. _____ Behavior contract
- _____ 2. _____ Peer mediation can be used for ongoing conflicts

- ~~3. Counseling with the elementary counselor~~
- ~~4. Counseling at an outside agency~~
- ~~5. Consultation with the school psychologist~~
- ~~6. Referral to other agencies, such as DFS~~
- ~~7. Increase parental involvement~~
- ~~8. After school detention with parent approval (not more than one (1) hour)~~
- ~~9. Suspension: in- or out-of-school~~
- ~~10. Other unique alternatives may be developed by the team to be implemented with the principal's approval.~~
- ~~11. Refer to Superintendent or designee.~~

CELL PHONES AND COMMUNICATION DEVICES

The Milford School District prohibits students from using cell phones and other communication devices during the school day. Violators will receive disciplinary action in accordance with the Milford School District Student Code of Conduct.

~~1st offense/Warning - Confiscation of the device until a parent/guardian picks up the device at the end of the day. Parent/guardian will sign a contract regarding future consequences based on Defiance as stated in the Milford School District Student Code of Conduct.~~

~~2nd offense and subsequent offenses – Confiscation of the device until parent/guardian picks up the device at the end of the day. marking period or semester. Disciplinary actions for subsequent offenses of Defiance as stated in the Milford School District Student Code of Conduct. are:~~

~~1st consequence is one (1) day ISS; Secondary/60 minutes elementary~~

~~2nd consequence is two (2) days ISS; Secondary/60 minutes elementary~~

~~3rd consequence is one (1) day OSS~~

~~4th consequence is two (2) days OSS~~

Footwear

~~Students must wear appropriate footwear at all times as designated by the school administrators. No shoes with wheels or bedroom slippers are permitted. Elementary students are not permitted to wear flip flops and need to have a closed toed shoe and secured to foot by strap or shoelaces.~~

~~New students who have not been previously enrolled in the Milford School District will have (5) school days from their enrollment date to come into compliance with the uniform policy.~~

~~Any questions concerning this policy, please contact your child's school.~~

**APPENDIX I:
Expulsion or Alternative School Placement Hearing Waiver**

**MILFORD SCHOOL DISTRICT
REQUEST WAIVER OF EXPULSION HEARING**

**Student
Name:**

School:

Grade:

PLEASE CHECK ONE:

_____ I am the parent/legal guardian of _____; **or**

_____ I am the student and I am eighteen years of age or older.

- I waive my right to have an expulsion hearing.
- Upon waiving my right, the expulsion hearing scheduled for _____ is cancelled.
- I understand that **(student)** will be expelled through **(time frame) with alternative educational placement.**
- I understand that I, **Student**, will not be allowed on Milford School District property for any reason for the duration of the expulsion period.
- By waiving my right to a hearing, I understand I am also waiving my right to file an appeal.

**APPENDIX II:
Bullying Reporting Form**

Bullying Definition: Any overt acts by a student, or a group of students, directed against a student victim with the intent to ridicule, harass, humiliate, intimidate or inflict bodily harm while at school, on school grounds, or at a school-sponsored activity. These acts are typically repeated against the student victim over time.

Student _____ **Date** _____

Parent/Guardian _____ **Date** _____

Name(s) of victim (s):	Name(s) of student(s) accused:	Name(s) of witnesses / bystanders:

Type of Incident (check all that apply):

☐ Name calling, Physical ☐ Threatening ☐ Excluding (left out)
☐ (hit, kicked, punched) ☐ Cyber (online or text) ☐ Rumors
☐ Racial or demeaning comments ☐ Sexual Comments ☐ Stolen or damaged possessions
☐ Other: _____

Where did the incident happen? (check all that apply):

☐ Hallway ☐ Classroom ☐ Bathroom
☐ Gym ☐ Locker Room ☐ Cafeteria
☐ Bus ☐ Bus stop ☐ School Trip
☐ Cyber (online or text) ☐ Other: _____

Who have you reported the incident to: (check all that apply):

☐ Teacher ☐ Counselor ☐ Dean
☐ Administrator ☐ Parent/Guardian ☐ Friend
☐ Other: _____

Explain the incident:

Based on this report of alleged bullying, an investigation will take place.

ADOPTED: 5/18/87; 11/23/87; 6/27/88; 7/10/89; 7/9/90; 7/1/91; 6/22/92; 7/12/93; 12/20/93; 6/27/94; 11/28/94; 6/26/95; 6/24/96; 6/14/99; 7/12/99; 9/27/99; 5/22/00; 6/25/01; 6/24/02; 6/23/03; 10/27/03; 6/28/04; 5/23/05; 5/19/08; 5/18/09

REVISED: 6/21/10; 5/16/11; 7/11/11; 1/23/12; 5/21/12; 4/22/13; 3/24/14; 6/05/17

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

3101

FACILITIES MANAGEMENT

To assure and continue the positive and mutually supportive relationship between the Milford School District and the community it serves, ~~it is the policy of~~ the Milford Board of Education ~~to~~ support~~s~~ reasonable and ~~practicable~~ **practical** utilization of all school facilities to responsible individuals, groups and organizations sponsoring activities in educational, cultural, civic, political or recreational areas as defined and limited in 14 Del. C. § 1056 relative to the use, control and management of public school property.

The Superintendent or ~~his/her~~ Designee will provide and maintain clear procedures to provide equal and consistent service regarding use of Milford School District facilities.

Milford School District buildings and grounds may be used for holding public gatherings of a character not detrimental to the civic welfare of community, State or nation. The Superintendent through the operations department will maintain procedures to implement this Policy. These procedures shall include, but are not limited to, procedures for securing the use of a facility, charges for facility use, restrictions of use, cancellation of scheduled activities, use of playgrounds, and **use of** outside recreational areas, ~~and political and religious group usage.~~

REVIEW AND REPORTING: The Superintendent or ~~his/her~~ Designee will report each year to the Board on the status of this policy.

REFERENCES: 14 Del. C. §1056 et al., Internal Revenue Service Certification of Section 501(c)(3) Exempt Status; Title 36 of the United States Code.

Adopted: 09/24/12

Amended: 11/24/14, **6/18/18**

Operational Procedures and Guidelines for Facilities Use and Rentals Applications

A. ~~Generally, Use~~ of school facilities is restricted to residents of the Milford School District. The district will ~~no longer not~~ approve facilities use and rentals from organizations located outside the Milford School District unless the requesting organization can ~~assure document they “encompass or include a significant majority of students/residents of the Milford School District in their organization’s programs or activities.”~~ at least 75% of the participants in their organization’s programs or activities are students or residents of the Milford School District. In order for an outside organization’s application to be considered, the organization must forward ~~to the Superintendent~~ evidence of the number of Milford School District participants in their organization ~~to the Superintendent or Designee. Groups may apply for fee reductions when groups are comprised of 60% student participants who are currently enrolled in the Milford School District.~~

B. Building Use/Rentals are not desirable during regular school day hours, and shall be limited, for the security, safety and welfare of all students and staff on campus. School day rentals for organizations may not interfere with regular school day classroom and facility use, or disrupt regular school day instruction.

~~B.C.~~ An “Application For Use of School Facilities” must be completed and on file ~~two weeks~~ 45 days prior to the rental date. ~~Insurance certificate~~ A Certificate of Insurance, with the District listed as an additional insured, must be on file with the application prior to initial approval being granted for Category III, IV, V, and VI activities.

~~C.D.~~ Requests to use athletic facilities and/or equipment will require the additional approvals of the Principal and the Athletic Director. The utilization of the district’s Carey-Simpson facility, weight-training facility, competition baseball and softball fields will be restricted to school district programs due to the expenses associated with field maintenance, specialized equipment, limited availability and trained district staff availability. ~~The middle school’s~~ Athletic facilities at Milford Middle School, located on Lakeview Avenue, will be available on a first come, first served basis.

~~D.E.~~ Alcoholic beverages, drugs, smoking and gambling are prohibited on all school property. The use of improper ~~and/or offensive~~ language is cause for exclusion from the facilities.

~~E.F.~~ The Milford School District prohibits the use of any Milford School District facilities by any person or for-profit organization for personal or private gain, financial or other matter compensation, without prior written permission of the Milford Board of Education.

~~F.G.~~ It is understood by the Milford Board of Education that the requesting organization assumes full responsibility and liability for any organizational negligence which may result in any personal injuries, damage to equipment, furnishings, buildings, or grounds.

~~G.H.~~ The Milford School District reserves the right to cancel or postpone any event based on, but not limited to, weather conditions, availability of district personnel, school events, condition of the buildings and/or grounds.

~~H.I.~~ Violations of the rules and regulations of the Milford School District in connection with the use of school facilities and equipment will result in immediate cancellation of the privilege granted to use facilities and/or equipment. Costs for repair or replacement of lost or damaged property and the cost of the extra services shall be charged to the responsible organization. School personnel shall have access to facilities as authorized.

J. Organizations must provide appropriate security measures as part of the rental agreement. Appropriate security is at the discretion of the Milford School District and may require the organization to secure police coverage, not covered within the rental fee and at the organization’s expense, through the Milford Police Department. Any non-Milford School District organization approved to utilize any part of a school’s campus during regularly scheduled school hours must provide police coverage during their event or activity. The organization must designate one person who will be in charge of the event or activity and remain at the event, throughout the entirety, in a supervisory capacity.

~~± K.~~ All non-school organizations, staff and volunteers ~~will be~~ **are** required to have annual criminal background checks prior to facilities use and rental approvals being granted. **The organization must verify, within their building use form request, that all of their staff utilizing the facilities have had acceptable criminal background checks. A copy of an acceptable criminal background check must be submitted for the person, within the supervisory role, with the application.**

~~L.~~ Milford School District does not engage in permanent rentals or agreements for use of District Facilities. District Facilities are not to be used as a permanent campus, throughout a school year or calendar year, for any non-affiliated Milford School District organization. Milford School District reserves the right to terminate a rental at any time.

~~M.~~ Summer Time rentals or agreements for use of District Facilities are limited due to building maintenance schedules and building shutdowns relative to energy conservation during the summer months.

~~N.~~ Any Delaware Interscholastic Athletic Association or Henlopen Athletic Conference events in which Milford is not a participant must have an "Application for Use of School Facilities" form submitted by the sanctioning body and approved by the Milford School District.

~~J.O. The following operational procedures and guidelines apply to the use of Milford School District facilities and grounds.~~ The fee system will cover operational costs of the facilities to be used and may be modified or waived at the discretion of the Superintendent **or Designee** for activities involving individuals and organizations which provide benefit to the educational process and activities of the governing bodies **of the district Milford School District** and State of Delaware.

~~K.P.~~ All pre-paid facilities/equipment rental fees and custodial charges will be refunded by the Milford School District Office if written notice is received of the cancellation within **48 72** hours in advance of the scheduled event. Custodial charges, but not the facilities/equipment rental fee, will be refunded by the Milford School District Office if written notice of the cancellation is received prior to the day of the event, but not before **48 72** hours.

User Classifications:

Category I – Milford School District sponsored events or Milford School District activities not charging admission includes student activities sponsored by the district and parent-teacher activities directly related to school activities or child welfare. Event or activity scheduled at time when custodial staff normally on duty.

Category II – Events sponsored by Milford School District-related organizations where *admission is charged or a collection is taken*. Event or activity scheduled at time when custodial staff is normally on duty.

Category III – Official meetings of the Milford School District, civic or government organizations and events held by non-profit organizations located in the District where *no admission is charged or collection is taken*. Event or activity scheduled at time when custodial staff is normally on duty.

- | | |
|---|---|
| 1. Boy Scouts of America | 10. Milford Lions Club |
| 2. Girl Scouts of America | 11. Milford Pop Warner |
| 3. Boys and Girls Club of Greater Milford | 12. American Cancer Society – Relay for Life |
| 4. Milford Little League | 13. Auxiliary of BayHealth—Hospital Fair |
| 5. City of Milford | 14. National Multiple Sclerosis Society—Bike to Bay |
| 6. Carlisle Fire Company | 15. Banneker 4-H Club |
| 7. People's Place | 16. Delaware Red Sox American Legion Baseball |
| 8. Milford Elks Lodge | 17. Delaware Umpires Association |
| 9. Milford Rotary Club | |

Category IV – Events held by **non-profit organizations that are located in the Milford School District** and where *admission is charged or a collection is taken*. Events scheduled at a time when custodial staff not normally scheduled and causes additional custodial services to be required as a result of the event.

Category V – Events held by **non-profit organizations that are not located in the Milford School District** and where *no admission is charged or collection is taken*.

Category VI – Events held by **non-profit organizations that are not located in the Milford School District** and by commercial, for-profit organizations and where *admission is charged or a collection is taken*. Board of Education approval required.

Fee Requirements:

Category I – No rental fees or additional insurance required; personnel expenses as required.

Category II – No rental fees or additional insurance required; personnel expenses as required.

Category III – No rental fees required. Personnel expenses as required and insurance certificate required.

Category IV – Rental Fees per schedule with personnel expenses as required. Insurance certificate required.

Category V – Rental Fees per schedule with personnel expenses as required. Insurance certificate required.

Category VI – Rental Fees per schedule with personnel expenses as required. Insurance certificate required.

Application and Approval Procedures:

Application for use of school facilities and/or equipment shall be made by a responsible representative from requesting organization that will complete an “Application for Use of School Facilities” and provide the district with a certificate of insurance listing the “Milford School District” as an “Additional Insured.” The completed application, certificate of insurance and initial payment shall first be submitted to the principal of the facility being requested. If the initial request is approved the application must be submitted to the Supervisor of Buildings and Grounds for final fee assignments and insurance review. Final approval will be granted when the application is in order and the proposed use is compliant with Board Policy.

Fees:

Rental fees are applicable to ~~one-day~~ all events according to their User Classification category. ~~Rental fees for consecutive days which are part of events which run longer than a single day will be charged at the rate of 50% of the rental fee for the primary day.~~ The rental fee schedule ~~for personnel~~ is established and attached. A 50% down payment will be required with the application payable to the “Milford School District.” ~~Applications will not be processed without down payment.~~

Personnel Expenses:

Organizations using district facilities ~~at periods when district staff are not normally on duty and available for coverage of events~~ will be charged fees to cover personnel expenses for the hours which staff are required to prepare for, monitor, and clean up after such events. ~~District personnel will be reimbursed at their daily hourly rate times one and a half for any overtime incurred for covering the activity unless otherwise provided.~~

MILFORD SCHOOL DISTRICT FACILITY RENTAL FEES – 3 HR MINIMUM

K-5	Category IV	Category V	Category VI
Classroom	\$30.00/\$10.00	\$60.00/\$20.00	\$60.00/\$20.00
Kitchen	\$75.00/\$25.00	\$150.00/\$50.00	\$150.00/\$50.00
Cafeteria	\$75.00/\$25.00	\$150.00/\$50.00	\$150.00/\$50.00
Gym/All Purpose Rooms	\$90.00/\$30.00	\$180.00/\$60.00	\$180.00/\$60.00

MCA & MHS	Category IV	Category V	Category VI
Classroom	\$30.00/\$10.00	\$60.00/\$20.00	\$60.00/\$20.00
Cafeteria	\$135.00/\$45.00	\$270.00/\$90.00	\$270.00/\$90.00
Kitchen	\$90.00/\$30.00	\$180.00/\$60.00	\$180.00/\$60.00
Gymnasium	\$150.00/\$50.00	\$300.00/\$100.00	\$300.00/\$100.00
Auditorium	\$150.00/\$50.00	\$300.00/\$100.00	\$300.00/\$100.00
Stadium – Turf w/Lights	\$225.00/\$75.00	\$450.00/\$150.00	\$450.00/\$150.00
Stadium – Turf w/o Lights	\$150.00/\$50.00	\$300.00/\$100.00	\$300.00/\$100.00
Tennis Courts	\$30.00/\$10.00	\$60.00/\$20.00	\$60.00/\$20.00
MMS Fields—BB, SB, FB Soccer or FH	\$30.00/\$10.00	\$60.00/\$20.00	\$60.00/\$20.00

Additional Charges*

Custodial/Security Personnel	\$40.00 Hourly Fee
Light/Sound School Personnel	\$40.00 \$50.00 Hourly Fee**
Light/Sound Student Personnel	\$10.00 \$25.00 Hourly Fee**
Food Service Personnel	\$40.00 Hourly Fee
Additional Trash Removal	\$120.00 Per Dump

***NOTE:** The additional charges/hourly fee rates are not the per diem hourly rate of assigned district personnel. OEC and other charges and fees are included and applied.

****** Light/Sound Personnel may not be available through the district. When district Light/Sound Personnel are not available, the organization must provide a qualified person to operate the system and the district has final discretion as whether to approve the person.

MILFORD SCHOOL DISTRICT

906 LAKEVIEW AVENUE

MILFORD, DELAWARE 19963

APPLICATION FOR USE OF SCHOOL FACILITIES

APPLICATION REQUIRED BEFORE FACILITIES CAN BE RESERVED. MUST BE FILED TWO WEEKS PRIOR TO RENTAL DATE.

Name of Organization or Group: _____

Name of Person Responsible for Rental: _____

Address for Mailing Permit & Billing: _____

Telephone: _____ Home: _____ Cell: _____ Work: _____

Name of Event: _____

Signature of Person Responsible for Rental: _____ Date: _____

Facilities Requested

Site: _____ High _____ Academy _____ Banneker _____ Ross _____ Mispillion _____ Morris _____

Date(s): _____ Start Time (Include Setup Time): _____ End Time of Rental: _____

Facilities/Room(s): _____ Services/Equipment Required _____

Plan for Security: _____

Does your staff have current and acceptable criminal background checks? _____

Designated person who is in charge of event and will remain at the event in a supervisory capacity:

Name: _____ Cell phone number to be used during event: _____

Address: _____

Estimated Charges Due – All fees included in Board Policy #3101 at www.milfordschooldistrict.org

_____ Category I _____ Category II _____ Category III _____ Category IV _____ Category V _____ Category VI

Application Fee: \$35.00

Total: \$35.00

Area(s) to be Rented Fee(s): See Current Building Rental Fees

Total: \$ _____

Custodial Fee(s): \$40.00 Hourly Rate X Hours

Total: \$ _____

Food Service Fee(s): \$40.00 Hourly Rate X Hours

Total: \$ _____

Technician Fee(s): \$50.00 Hourly Rate X Hours

Total: \$ _____

_____ Superintendent Waiver Applicable: Deduction Amount: \$ _____ Total: \$ _____

TOTAL AMOUNT DUE: Total: \$ _____

50% Down Payment Due With Application – Amount: \$ _____ Date Paid : _____

Method of Payment: _____

Insurance Provided – **Milford School District Must be “Additional Insured”** _____

Criminal Background Check Provided: _____ Date: _____ Approved: _____

Initial Approval(s) by School Administrator(s): _____ Date: _____

Police Coverage Required: Yes _____ No _____

Final Approval by District: _____

Final Accounting – Final Billing—NO CASH ACCEPTED

Charges	Hours Worked	Hourly Rate	Total
Rental Fees			
Custodial Fees			
Food Service Fees			
Technical Fees			
Other Fees; Specify:			
Deposit Paid			
Balance Due:			

RULES AND REGULATIONS FOR RENTING MILFORD SCHOOL DISTRICT FACILITIES

This application must be completed and estimated: 50% cost of usage is to be paid in full at time of the submission of usage request. ~~Insurance-Certificates~~ **Certificate of Insurance** and Background Checks will be required for initial approval. Refunds will be made in accordance with Regulation 1-~~JM~~ of Milford School District Board of Education Policy 3101. It is understood by the Milford Board of Education the requesting organization named assumes full responsibility for any damage to equipment, furnishings, building, or grounds. Promotional or other events, as deemed necessary by the Supervisor of Buildings and Grounds will require Milford Board of Education approval prior to final authorization and may be subject to rental/usage fees in excess of the fees identified in Exhibit 1 of Milford School District Board of Education Policy 3101.

Alcoholic beverages, smoking and gambling are not permitted in school facilities or on school grounds at any time.

Falsification of information on application, rowdiness, and vandalism, abuse of property, inadequate supervision, and/or violations of Delaware Law, City of Milford ordinances, or district policies shall be grounds for eviction, cancellation of permit, and may impact continuance of future facilities/equipment usage.

Flags other than United States and State of Delaware are NOT to be displayed at any time on school buildings or grounds without the expressed written permission of the Milford School District. The Milford School District has the expressed authority to restrict the display of flags and/or promotional material as it deems necessary.

Lessee shall indemnify Milford School District against all claims and liability arising from any accident, injury, damage to person or property occurring on or about leased premises or on sidewalks or streets adjoining the leased premises and which arises out of or occurs in connection with use of leased premises by lessee, his or its agents, employees, members or guest. The word "Lessee" shall indicate person or organization leasing and requesting the use of Milford School District buildings, grounds, and facilities. The person signing this form represents that he or she has the full legal authority to act in behalf of and bind the party, parties, or organization requesting the use of property belonging to Milford School District. Lessee agrees to provide Milford School District with a Certificate of Insurance listing Milford School District as an "Additional Insured" prior to approval of this application.

Milford School District reserves the right to cancel or postpone this event based on, but not limited to, weather conditions, availability of district personnel, school events, and/or condition of the buildings and/or grounds. The requesting organization is responsible to see that vehicles observe fire lane restrictions, handicapped parking, and for keeping all entrances and exits clear. We must be assured that emergency vehicles have clear access to and from the buildings and grounds.

The Responsible Person noted on the front of this application and signed by such person must be present at all times during the rental. If they will not be present, or if there are more than one responsible person(s), all those responsible must be listed and all must sign the application.

All pre-paid facilities/equipment rental fees and custodial charges will be refunded by the Milford School District Administrative Office if written notice is received of the cancellation at least **4872** hours in advance of the scheduled event. Custodial charges, but not the facilities/equipment rental fee, will be refunded by the Milford School District Administrative Office if written notice of the cancellation is received prior to the day of the event, but not before **48 72** hours. The Application fee is not subject to refund under any circumstances.

NOTE: See Board Policy #3101. For rates: See Board Policy #3101, Exhibit #1

PERSONNEL REPORT – *Action Item*

RECOMMEND FOR EMPLOYMENT – PROFESSIONAL CONTRACT*

SARABIA, Dianna

Morris – Immersion Kindergarten Teacher

Effective: August 22, 2018

TYNDALL, Meaghan

High School – Science Teacher

Effective: August 22, 2018

BRYAN, Erin

Central Academy – English Learners Teacher

Effective: August 22, 2018

FITZGERALD, Jordan

Central Academy – School Counselor (11 mo.)

Effective: August 22, 2018

VANN, Lauren

High School – Public and Community Health Teacher

Effective: August 22, 2018

HERD, Kathryn

Mispyllion – Elementary Teacher

Effective: August 22, 2018

LEHMAN, Ashley

High School - Science Teacher

Effective: August 22, 2018

AMEND EFFECTIVE DATE – ADMINISTRATIVE CONTRACT

MESSICK, Jodi

Morris – Assistant Principal with one-year contract ending June 30, 2019

Effective: July 9, 2018

TRANSFER

LYNCH, Kate

Transfer from High School Science Teacher to High School Secondary School Counselor (11 mo.)

Effective: August 27, 2018

JOSEPH, Kevin

Transfer from 11 mo. Special Education Teacher to 10 mo. Special Education Teacher

Effective: August 27, 2018

COVERDALE, Allen

Transfer from Morris Night Custodian to Central Academy Night Custodian

Effective: July 1, 2018

HINTON, Bernard
Transfer from High School Night Custodian to Ross Night Custodian
Effective: July 1, 2018

CARTWRIGHT, Cheryl
Transfer from Morris Full-Time Paraprofessional to Ross Full-Time Paraprofessional
Effective: August 27, 2018

RETIREMENT

LAU, Deborah
Mispillion – Grade 1 Teacher
Effective: June 30, 2018
Years of Service to MSD: 18

RESCIND EMPLOYMENT – 2018-2019 LIMITED CONTRACTS FOR PERSONAL SERVICES*

Mispillion	Instructional Coach, Grade 1	Lau, Debbie
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RECOMMEND EMPLOYMENT – 2018-2019 LIMITED CONTRACTS FOR PERSONAL SERVICES*

District	Lead, School Nurse	Smith, Sue
Mispillion	Instructional Coach, Grade 1	Blizzard, Kristine
High	Basketball Girls Coach, Head	Sudler, Eric
High	Swim Coach, Head	Tyndall, Meaghan

*Employment at Milford School District is contingent upon employment verification, education and other credential verifications, the receipt of satisfactory criminal background and child protection registry checks, and adherence to Milford School District policies.