

**MILFORD SCHOOL DISTRICT  
POLICY 5414**

**STUDENT CODE OF CONDUCT  
ELEMENTARY SCHOOLS GRADES 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 receive annual training based upon current district policies and procedures as well as changes in Regulation.

**CODE OF CONDUCT AUTHORITY**

The Student Code of Conduct may be enforced:

1. On school property prior to, during and following regular school hours including but not limited to when school is in session or when school activities are in operation.
2. On all school campuses and property of the Milford School District.
3. When students are at a bus stop. When students are on a bus, Board Policy 5417, School Bus Code of Conduct, shall be in effect.
4. At all school sponsored events and other activities where school administrators and personnel have jurisdiction over students (i.e.: field trips, sporting events, etc....).
5. When a student's out-of-school conduct, activity, or behavior indicates that the student presents a threat to the health, safety, or welfare of other students and staff. This conduct may be physical in nature or electronically which have an impact on the safe and effective operation of our schools.
6. Students who attempt to register in the Milford School District with outstanding disciplinary actions from Milford School District or their previous school district are subject to the consequences outlined in this document. This includes but is not limited to suspension, expulsion, and placement at an alternative school.

## **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 responsible for their own work.
7. Abide by rules and regulations of the school and individual classroom teachers.
8. Accept, understand, and respect diversity and differences among fellow students and staff.
9. Express feelings and needs in constructive, socially appropriate ways.
10. 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.

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, 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 administrator/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, 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. Students may petition to the school administrator/designee 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 field trips. 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, lasers, cameras, 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.

#### **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 & APPEAL PROCESS**

All students must be informed of the violation(s) and the range of disciplinary actions. These items should be:

1. Included in the Student Code of Conduct.
2. Explained to students in person on a yearly basis.
3. Disseminated in print and electronic copy.

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.

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 administrator/designee, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.

#### **Parent Notification**

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 Appeal Process to Disciplinary Responses for short- and long-term suspensions and alternative placement decisions. The essential rights involved in disciplinary procedures stem from the concept of due process as outlined above.

1. Upon initiation of appeal process, penalties shall not be implemented until the student ceases or exhausts his/her appeal, except in cases where a student presents a threat to the health, safety, or welfare of other students and staff.
2. Students, parents and guardians may all engage in the appeal process.
3. Disciplinary action may only be appealed to the next administrative level.

## **Appeal Process**

1. Student shall have an option to meet/discuss with an administrator or designee their proposed disciplinary actions within one (1) school day after the charge was issued to them in writing. This informal/private process should be followed in order to resolve differences/problems in friendly and cooperative manner.
2. Students or parents shall have the right to informally appeal staff disciplinary action to the administrator/designee within two (2) school days after the charge. The objective is to resolve the matter informally.
3. If the matter is not resolved satisfactorily in the above manner, a written appeal to the superintendent or superintendent's designee shall be made within two (2) school days of the previous disciplinary level. A parent/student conference shall be conducted within five (5) school days of appeal and shall give a written decision within two (2) school days of conference.
4. A final written appeal may be made to the Superintendent within two (2) school days of the previous disciplinary level. The unresolved problem will be discussed in a conference with the parents/student and the superintendent/designee. The decision of the Superintendent shall be final.

Should an appeal be requested after the consequence has been served, the appellant may request that a student's discipline record be erased or corrected for the infraction. Such an appeal must be requested within 30 calendar days of the incident.

As required by Regulation 616, the following also applies to 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, received by the Board within 5 days of the student's receipt of the decision of the Superintendent. 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.

## **SUSPENSION FROM SCHOOL**

### **Short-Term Suspension**

1. The administrator/designee, 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.
2. 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.
3. Due Process will be followed as outline in Chapter III.
4. 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.
5. A student assigned to an excessive total of in-school suspensions (more than 3) may be assigned out-of-school suspensions (OSS) instead of the ISS consequences prescribed in these guidelines.
6. 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.

### **Long-Term Suspension**

1. The Superintendent, in accordance with the rules of the District, 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.
2. Prior to any Suspension from school, the initial due process procedures outlined in Chapter III shall be followed.
3. 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 administrator/designee 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.

4. The parent or student may appeal the Suspension to the next administrative level in accordance with the District's appeal or Grievance process.
5. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the administrator/designee shall hold an in-person or phone conference with the parent and student. The conference shall be designated by the administrator/designee, 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. An administrator/designee may refer a student for Alternative Placement:

1. 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.
2. 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.
3. 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.

#### **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 administrator/designee:

1. Shall follow due process as outlined in Chapter III.
2. Shall notify the student and parent/guardian.
3. 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).
4. Shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the administrator/designee.
5. 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:
  - a. Of the referral for the Alternative Placement;
  - b. That the student may be suspended; and
  - c. Of the procedures that will take place as follow-up to the referral for alternative placement.
  - d. Shall mail a notice of the Alternative Placement Meeting to the parent/guardian at least five (5) business days before the meeting is to occur.

#### **Central Review Committee Meeting/District Alternative Placement Meeting**

1. 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 administrator/designee, the student's parent, guidance counselor or school social worker.
2. A district Central Review Committee/Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.
3. 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.
4. 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.
5. If the decision is to assign to an Alternative Placement, the Superintendent or designee 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.

### **Student Assignment to Alternative Placement**

1. Milford School District contacts the Alternative Program to set up a date and time for an Intake Meeting.
2. 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.
3. 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.
4. A student assigned to a Consortium Discipline Alternative Program must be registered in Milford School District before the Intake Meeting is held.
5. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and parent signatures.
6. 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.
7. 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.
8. 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.
9. 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.

#### **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 administrator/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 administrator/designee 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.
3. The administrator/designee shall hold a Building Level Conference with the parent and the student. The administrator/designee 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 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.
4. 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.

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)

### **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.

### **STUDENTS WITH DISABILITIES**

1. 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, in Individual Education Placement (IEP), Manifestation Determination (MD) or Section 504 (as appropriate) team meeting will be convened before change in placement or expulsion.
2. The IEP/504 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. If the IEP/504 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.
3. If the IEP/504 Team determines that the offense is not a manifestation of the student's disability, the administrator/designee will follow the Student Code of Conduct and continues services and placement shall be determined by the IEP/504 Team.
4. 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 employee of the Milford School District from:

1. Using reasonable and necessary physical contact to quell a disturbance or physical altercation or prevent an act that threatens imminent bodily harm to any other person.
2. Using reasonable and necessary physical contact to obtain possession of a weapon, or other dangerous object 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 to prevent a pupil from imminently inflicting harm on himself or herself.
6. Using reasonable and necessary physical contact to protect the bodily safety of others.
7. 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.

### **UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM**

Milford Central Academy and Milford High School have been declared safe schools. The Milford School District complies with 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**

1. Within ten (10) 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.
2. 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.
3. 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.
4. 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.
5. A corrective action plan will be developed and filed with the Department of Education within twenty (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**

1. Within five (5) 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.
2. Parents have ten (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.
3. The student will be transferred within thirty (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 in school. In compliance with the Federal Gun-Free Schools Act of 1994, the District adopts the following policy:

1. Possession of a 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. 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. 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.

### **STUDENT RECORD**

All discipline offenses are made a part of the student's discipline record. The discipline referral process will start over at the beginning of each school year.

## **CHAPTER IV VIOLATIONS OF THE STUDENT CODE OF CONDUCT**

### **HARASSMENT**

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 workplace, 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:

1. **Written contact**--suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
2. **Visual contact**--sexually suggestive looks or gestures, displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
3. **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.
4. **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.
5. **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 administrator/designee 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. 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.

## **DRUGS AND ALCOHOL**

The Milford School District strives to:

1. Promote student awareness/education concerning the dangers of substance abuse in the schools.
2. Make known the availability of drug and alcohol counseling, rehabilitation, and student assistance programs.
3. Provide a fair and equitable framework for administering consequences to students who violate the policy.
4. 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 misuse of drugs and alcohol is a serious problem with legal, physical, and social implications for the school community. In cases of drug use, possession and/or distribution of drugs and/or alcohol and/or paraphernalia and/or inhalants and/or medications, the Milford School District will:

1. Follow the Code of Conduct to administer consequences to students.
2. Alert law enforcement of possible criminal violations.
3. Turn over all substances and paraphernalia to law enforcement officials.
4. Request analysis of the substance if necessary.
5. Require that 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.
6. Offer help and assistance to any student who feels that she/he has a problem with drugs or alcohol. School personnel will offer assistance, assessment and/or identify appropriate outside resources without penalty, unless a violation of this policy has occurred. In cases involving student assistance, cost for such treatment is 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.

7. Be committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs, and many other related activities. The Milford School District has also designated the school nurse, school psychologist and/or school counselors 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.

### **NON-CONTROLLED SUBSTANCES**

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

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 (2) of the following factors are established:

1. The non-controlled substance is packaged in a manner normally used for the illegal delivery of controlled substances.
2. 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.
3. The physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.

### **TOBACCO AND VAPING PRODUCTS**

The Milford School Board of Education recognizes that tobacco and vaping products, including the any product marketed as an electronic cigarette, product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers, and the School Environment. The purpose of this policy is to prohibit student possession, use, transfer, purchase, and sale of tobacco and vaping products, including Juuls and other all electronic cigarette products on school grounds and buses and during school activities. The State of Delaware prohibits smoking by all persons within all buildings, facilities, and school grounds of the District in accordance with MSD Policy 4220.

**Definition:** Tobacco products, for the purposes of this policy and in accordance with § 1115(9)a of Title 11 of Delaware Code, shall be defined to include the following:

1. Any product that is made from or derived from tobacco or that contains nicotine, including: cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, snus, or smokeless tobacco and is intended for human consumption by any means including smoking, heating, chewing, absorbing, dissolving, inhaling, “vaping” or ingesting.
2. A component or accessory used in the consumption of atobacco product, including filters, rolling papers, and pipes.

**Authority:** The Board prohibits possession, use, transfer, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the Milford School District; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property. The Board authorizes the confiscation and disposal of products prohibited by this policy.

### **Delegation of Responsibility:**

1. The Superintendent or designee may develop administrative regulations to implement this policy.
2. The Superintendent or designee shall notify students, parents/guardians and staff about the Board’s tobacco and vaping products policy by publishing information in various forms, not limited to, the student handbooks, posted notices, signs, social media, and on the District website.
3. The Superintendent or designee shall coordinate with school staff to ensure students are referred to voluntary

cessation education and support programs that address the physical and social issues associated with nicotine addiction.

**Reporting:** School administration shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. School administration shall inform the parent/guardian whether local law enforcement has been or may be notified of the incident. School administration shall document attempts made to reach the parent/guardian.

### **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:

#### **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.

#### **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.

#### **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 S0161 - Attorney General's Report.
  - c. Expulsion hearing for all acts of violence or intimidation.

**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 as soon 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 administrator/designee, should report instances of gang-related criminal acts or acts of serious disruption to School Board and local law-enforcement authorities for further action.

**SCHOOL BULLYING & CYBER BULLYING PREVENTION**

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.

**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.

**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:

- 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 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.
- 5. 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.
  - a. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable

- student of the same grade and other circumstances as the victim.
- b. 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. 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**

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 touching of a sexual nature, unwanted talking about private parts, and 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.

**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.

**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.

**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.

### **Investigative Procedures**

1. 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.
2. All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the administrator/designee within five (5) working days.
3. 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).

### **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.

### **Consequences for Bullying**

Consequences for bullying are outlined in the disciplinary matrix in the School Code of Conduct. A written notice to parents/guardians will be provided in both alleged and substantiated cases to both victims and bullying perpetrators. Repeated and/or serious bullying violations will be reported to law enforcement.

### **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**

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 completed on the school website and automatically sent to school administration.
6. Anyone may report bullying. A report may be made to any staff member.
7. Each administrator/designee 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.



### **Anonymous Reports**

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

### **Notification of 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.

### **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 administrator/designee recommends a mental health evaluation be completed, the school may:
  - a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
  - b. Require that 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 administrator/designee prior to return to school or the general population.

Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24-hour hot line (302)-633-5128. 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.

### **Implementation**

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

### **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.

### **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, postings on Facebook, Twitter, YouTube, SnapChat, Instagram, TikTok, and Pinterest shall, at minimum, be included in each district 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 or refers to the 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 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.

### **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.

### **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.

### **Other Defenses**

1. 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.
2. 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.

### **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.

### **Reporting School Crime**

Delaware Code requires mandatory reporting of the offenses listed in 14 Del.C. §4112. Each school district employee has a duty to report school crimes and may incur a penalty for failure to report.

Milford School District maintains a Memorandum of Agreement (MOA) with the Milford Police Department which is approved by the Department of Education.

Superintendent or his/her designee shall report to the Department of Education all school crimes pursuant to 14 Del.C. §4112 and any incidents of misconduct pursuant to 14 Del.C. §601. Such reports shall be made on forms as designated by DOE and filed with DOE within the time prescribed by the statute.

## GLOSSARY

**Alternative Placement Team Meeting** – The Alternative Placement Team follows Regulation 616 and is led by the appropriate school district director/designee. The Alternative Placement Team decides on the placement of students in an alternative setting.

**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.

**Behavior/Support 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 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. In accordance with 14 Del. C. § 614, violation of a Behavior Contract can be used as a basis for alternative placement or recommendation for expulsion.

**Central Review Committee** - A Central Review Committee is a school-based committee 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 administrator/designee and identifies possible interventions and determines next steps in the discipline process.

**Central Review/Alternative Placement Team Meeting** - The Alternative Placement Team follows Regulation 616 and is led by the appropriate school district Director/Designee. The Alternative Placement Team decides on the placement of students in an alternative setting, alternate school setting, long-term suspension, or expulsion. The administrator/designee may schedule a Central Review meeting based upon the offenses in the Code of Conduct which serve as a basis for placement at an alternative school in accordance with 14 Del. C. § 614. This includes five (5) or more violations of the Code of Conduct or violation of a behavior contract. If the administrator/designee 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 administrator/designee 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. A Behavior Contract will be created at the end of the Central Review meeting.

**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.

**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>.

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

**For Your Information (FYI)** - Classroom system to document student information.

**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, 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** – 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.

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

**Principal's Probation** - A probationary period when a student is unable to attend or participate in any activities outside the regular school day unless as part of a grade for a class. principal's probation period will be outlined as part of a Behavior Contract.

**Re-Entry Meeting** - The purpose of this meeting is to ensure that students have the support they need to be successful in the school setting after serving a suspension or expulsion. In addition, the meeting serves to reinforce the expectations for student behavior, plan a restorative conference or activities, and outline the plan in a behavior contract.

**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 function.

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

**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.

**\*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.**

**Category 1 Discipline Offense Action Matrix**

<b>Offense</b>	<b>Description</b>	<b>Action:</b>
<b>Abusive/Inappropriate Language</b>	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar towards an employee of the Milford School District.	<b>Offense 1 - Teacher:</b> •30 minutes Individual Reflection Time with Supervision (in classroom)  <b>Offense 2 - Teacher:</b> •Up to 60 minutes Individual Reflection Time in School (in classroom)  <b>Offense 3 - Admin:</b> •Up to 2 hrs. In-School Individual Reflection Time •Restrict or Provide Alternate Class Activities •Loss of Privilege(s)  <b>Offense 4 - Admin:</b> •School Suspension/In-School - up to 1 day •Restrict or Provide Alternate Class Activities •Mandatory Behavior/Support Contract  <b>Offense 5+ - Admin:</b> •School Suspension/In-School - up to 2 days •Parent Contact - Required Conference with Administrators and Teachers •Restrict or Provide Alternate Class Activities •Central Review Committee Referral •Mandatory Behavior/Support Contract
<b>Academic Cheating</b>	Fraudulent deception in preparing or presenting course work or class assignments as a student's own work when it is not. Includes copying, unauthorized use of notes, presenting another's work as one's own. Use of cell phone during an assessment is classified as cheating.	
<b>Defiance of School Authority</b>	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 nonverbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	
<b>Disruption of Educational Process: Localized</b>	Individual or group behavior which interferes with effective functioning of the teacher, student, or class in the classroom.	
<b>Dress Code Violation</b>	Violation of Dress Code outlined in Milford School District Board Policy 5415.	
<b>Failure to Obey Safety Procedures</b>	Student does not obey safety procedures as outlined by school officials.	
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>		

**Category 1 – Page 2**

<b>Inappropriate Behavior: NOS</b>	Violation of classroom rules not specifically covered by the Student Code of Conduct.
<b>Inappropriate Behavior: Careless and Reckless Behavior</b>	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.
<b>Profanity, Use of</b>	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar.
<b>Unauthorized Use of Cell Phone/ Electronic Device</b>	This includes but is not limited to tablets, computers, radios, MP3 players, electronic games, beepers, cell phones, CD players, 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. Cell phone/electronic device will be confiscated.
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>	

**Category 2 Discipline Offense Action Matrix**

Offense	Description	<u>Action:</u>
<b>Acceptable Use Policy Violation Misuse of Technology</b>	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.	<p><b>Offense 1- Teacher:</b></p> <ul style="list-style-type: none"> <li>•Up to 60 minutes Individual Reflection Time with Supervision (in classroom)</li> <li>•Mandatory Behavior/Support Contract</li> </ul> <p><b>Offense 2 - Admin:</b></p> <ul style="list-style-type: none"> <li>•Up to 3 hours of In School Reflection Time in School (in classroom)</li> <li>•Restrict of Provide Alternate Class Activities</li> <li>•Mandatory Behavior/Support Contract</li> </ul>
<b>Disruption of Educational Process: Broad</b>	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.	<p><b>Offense 3 - Admin:</b></p> <ul style="list-style-type: none"> <li>•School/In School Suspension- up to 1 day</li> <li>•Restrict or Provide Alternate Class Activities</li> <li>•Mandatory Behavior/Support Contract</li> <li>•Central Review Committee Referral</li> </ul> <p><b>Offense 4+ - Admin:</b></p> <ul style="list-style-type: none"> <li>•School Suspension/In-School - up to 2 days</li> <li>•Parent Contact - Required Conference with Administrators and Teachers</li> <li>•Restrict or Provide Alternate Class Activities</li> <li>•Mandatory Behavior/Support Contract</li> <li>•Central Review Committee Referral</li> </ul>
<b>Falsification Written/Verbal</b>	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.	
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>		

Category 2 – Page 2	
<b>Leaving Assigned Area Without Permission</b>	Leaving an assigned area without authorization.
<b>Offensive Touching: Student Victim</b>	Intentionally touching another person with a part of their body or an instrument knowing that it is likely to cause offense or alarm.
<b>Stealing/Theft</b>	Taking, exercising control over, or obtaining property of another person intending to deprive that person of it or appropriate it.
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>	



**Category 3 Discipline Offense Action Matrix**

<b>Offense</b>	<b>Description</b>	<b>Action:</b>
<b>Defiance of School Authority</b>	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.	<p><b>Offense 1 - Admin:</b></p> <ul style="list-style-type: none"> <li>•School Suspension/In-School - up to 2 days</li> <li>•Parent Contact - Required Conference with Administrators and Teachers</li> <li>•Restrict or Provide Alternate Class Activities</li> <li>•Mandatory Behavior/Support Contract</li> <li>•Central Review Committee Referral</li> </ul> <p><b>Offense 2 - Admin:</b></p> <ul style="list-style-type: none"> <li>•School Suspension/In-School - up to 4 days</li> <li>•Parent Contact - Required Conference with Administrators and Teachers</li> <li>•Restrict or Provide Alternate Class Activities</li> <li>•Mandatory Behavior/Support Contract</li> <li>•Central Review Committee Referral</li> </ul> <p><b>Offense 3+ - Admin:</b></p> <ul style="list-style-type: none"> <li>•School Suspension/In-School - up to 5 days</li> <li>•Parent Contact - Required Conference with Administrators and Teachers.</li> <li>•Restrict or Provide Alternate Class Activities</li> <li>•Mandatory Behavior/Support Contract</li> <li>•Mandatory Review Committee Referral</li> </ul>
<b>Discriminatory Behavior or Speech</b>	Any electronic, physical, verbal or written, or action (direct or indirect) that excludes, marginalizes, or discriminates against other people or groups of people. This includes the use of racial epithets and ethnic slurs.	
<b>Failure to Report or Perform Disciplinary Action</b>	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.	
<b>Leaving School Grounds without Permission</b>	Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student's scheduled day.	
<b>Tobacco and/or Drug Possession and/or Use</b>	Possession or distribution of any tobacco and/or drug product and/or lighted cigarette (cigar, pipe, vaping, vape pipe, Juul, e-cigarette, etc.), inhaling or exhaling smoke, chewing, or using tobacco products.	
<b>Unsafe Items</b>	Items such as: utility knives, ice pick, lighter, pocketknife, scissors, fireworks, and anything that causes alarm or is as deemed unsafe by the administration.	
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>		

**Category 4 Discipline Offense Action Matrix**

Offense	Description	<b>Action:</b>
<b>Attorney General's Report/Off Campus Conduct</b>	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.	<b>Offense 1 - Admin:</b> •School Suspension/In-School - up to 5 days •Parent Contact - Required Conference with Administrators and Teachers •Restrict or Provide Alternate Class Activities
<b>Assault III and IV</b>	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.	•Mandatory Behavior/Support Contract •Central Review Committee Referral
<b>Bullying/ Cyberbullying</b>	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. 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.	<b>Offense 2+ - Admin:</b> •School Suspension/In-School - up to 10 days •Parent Contact - Required Conference with Administrators and Teachers •Restrict or Provide Alternate Class Activities •Mandatory Behavior/Support Contract •Mandatory Review Committee Referral
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>		

**Category 4 – Page 2**

<b>Criminal Mischief Vandalism</b>	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.
<b>Criminal Violent, Sexual, Weapons, Dangerous Instrument: Felony Offense</b>	Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).
<b>Dangerous Instrument(s) Possession/ Concealment/Sale</b>	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.
<b>Deadly Weapon Possession/ Concealment/ Sale</b>	<p>The possession, concealment, or sale of a Deadly Weapon in the School Environment. A “deadly weapon” includes a firearm, a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position); switchblade knife; billy; blackjack; bludgeon; metal knuckles; slingshot; razor; bicycle chain; ice pick or any “dangerous instrument,” as defined above, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.</p> <p>The term “firearm” means: 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) The frame or receiver of any such weapon; 3) Any firearm muffler or firearm silencer; or 4) Any destructive device.</p>
<b>Drugs: Distribution of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications</b>	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.
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>	

**Category 4 – Page 3**

<b>Drugs: Use and/or Possession of Drugs and/or Alcohol and/or Inhalants Paraphernalia and/or Medications</b>	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.
<b>Extortion</b>	To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.
<b>Felony Theft (\$1,500+)</b>	<p>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</p> <p>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.</p>
<b>Fighting/Disorderly Conduct</b>	<p>Any aggressive physical altercation between two or more individuals.</p> <p>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, or abusive language to any person present.</p>
<b>Fire Alarm Incident</b>	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.
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>	

**Category 4 – Page 4**

<p><b>Hate Crimes</b></p>	<p>Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally:</p> <ol style="list-style-type: none"> <li>1) Commits said crime for the purpose of interfering with the victim’s free exercise or enjoyment of any right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights; or</li> <li>2) Selects the victim because of the victim’s race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this section: <ol style="list-style-type: none"> <li>a) “Gender identity” means a gender-related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth.</li> <li>b) “Protective hairstyle” includes braids, locks, and twists.</li> <li>c) “Race” includes traits historically associated with race, including hair texture and a protective hairstyle.</li> <li>d) “Sexual orientation” means heterosexuality, bisexuality, or homosexuality.</li> </ol> </li> </ol>
<p><b>Inappropriate Behavior: Consensual and/or Sexual Misconduct</b></p>	<p>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.</p>
<p><b>Offensive Touching (Employee)</b></p>	<p>Intentionally touching another person with a part of their body or an instrument knowing that it is likely to cause offense or alarm.</p>
<p><b>Pornography: Possession and/or Production</b></p>	<p>Possession, sharing, or production of any known obscene material in the School Environment.</p>
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>	

**Category 4 – Page 4**

<b>Sexual Harassment</b>	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.
<b>Terroristic Threatening</b>	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.
<b>Unlawful Sexual Contact III</b>	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.
<p><i>*Note: Administration reserves the right to adjust the response level for any behavior. This is NOT an exhaustive list of every behavior. The definitions are intended for clarity and not intended to be fully comprehensive of every situation or behavior. It is our goal that all situations are handled as quickly as possible. The parent/guardian shall always be notified for any listed situation.</i></p>	

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; 6/21/10; 5/16/11; 7/11/11; 1/23/12; 5/21/12; 4/22/13; 3/24/14; 6/5/17; 7/30/18; 7/8/19; 8/1/22; 7/31/23

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):**

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

**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 Room | <input type="checkbox"/> Cafeteria   |
| <input type="checkbox"/> Bus                    | <input type="checkbox"/> Bus stop    | <input type="checkbox"/> School Trip |
| <input type="checkbox"/> Cyber (online or text) | <input type="checkbox"/> 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.*