

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

**AGENDA FOR MONDAY, MAY 20, 2024 AT 6:00 PM  
REGULAR SCHOOL BOARD MEETING**

*The Milford Board of Education will hold this meeting in-person at Banneker Elementary School, 449 North Street, Milford, DE 19963. Public comment will be held in-person only.*

Public may access this meeting at the following link:

<https://milford.webex.com/milford/j.php?MTID=m2559558f8b8d316c4d7ba5911c127e1b>

Webinar Number: 2634 719 8163

Webinar Password: ECd8Ph5SHj8 (32387457 from phones and video systems)

To access the meeting via audio conference, members of the public may use the following information:

Dial in: +1-415-655-0001 US Toll

Access Code: 263 471 98163

*It is anticipated that the board will open a regular session meeting and adjourn into executive session during the beginning portion of this meeting for the reasons identified below, then adjourn into a regular session meeting at approximately 7:00 pm.*

**1. Call to Order by President**

**2. Roll Call**

\_\_\_\_\_ Dr. Adam Brownstein

\_\_\_\_\_ Mr. Matt Bucher

\_\_\_\_\_ Mrs. Ashlee Connell

\_\_\_\_\_ Mr. Victor "Butch" Elzey

\_\_\_\_\_ Mr. Scott Fitzgerald

\_\_\_\_\_ Mrs. Jennifer Massotti

\_\_\_\_\_ Mrs. Jean Wylie

**3. Pledge of Allegiance**

**4. Approval of Minutes**

A. Regular Meeting Minutes for April 15, 2024 and April 25, 2024 Action Item

**5. Adjournment to Executive Session Action Item**

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

1. Discussion of the personnel report and the competencies of staff recommended for hire

**6. Return to Open Session (anticipated at 7:00 pm) Action Item**

7. **Changes to Agenda**
8. **Public Comment**
9. **Superintendent's Report**
  - A. Banneker Elementary
10. ***Academic Excellence: Dr. Carvajal-Hageman***
  - A. Dual Language Immersion Presentation
  - B. Student Climate & Safety Update – Dr. Weller
11. ***Building Our Future: Dr. Sara Hale***
  - A. Monthly Revenue, Expenditure and Major Capital Reports as of April 30, 2024 **Action Item**
  - B. Construction Change Order Approval **Action Item**
  - C. Preliminary Tax Rate
12. ***Empowering and Investing in our People: Ms. Laura Manges***
  - A. Personnel **Action Item**
13. **Board Discussion**
  - A. DSBA Updates
  - B. Proposed 2024-2025 Schedule of Board Meetings **Action Item**
  - C. DSBA Membership Dues 2024-2025 **Action Item**
  - D. Introduction of New Draft Board Policy
    1. New Board Policy 5112 Behavioral Threat Assessment – Read Only
  - E. Recommended Revised Draft Board Policies for Action
    1. Revised Board Policy 5404 Milford School District Code of Conduct **Action Item**
  - F. Recommended Deletion of Board Policies for Action
    1. Delete Board Policy 5414 Student Code of Conduct Elementary Schools K-5 **Action Item**
    2. Delete Board Policy 5417 School Bus Code of Conduct General Information **Action Item**
  - G. Introduction of Recommended Draft Revision of Board Policies
    1. Revised Board Policy 4335 Donated Sick Leave – Read Only
    2. Revised Board Policy 5111 Suicide Prevention – Read Only
    3. Revised Board Policy 5415 K-12 School Dress Code Policy – Read Only
    4. Revised Board Policy 6103 Controversial/Sensitive Issues – Read Only
14. **Adjournment **Action Item****

MILFORD SCHOOL DISTRICT  
BOARD OF EDUCATION  
REGULAR BOARD MEETING  
APRIL 15, 2024

Board Members in Attendance	
Mr. Scott Fitzgerald President	Mr. Victor “Butch” Elzey (exited meeting @ 7:16 pm)
Mr. Matt Bucher, Vice President	Mrs. Jennifer Massotti
Dr. Adam Brownstein	Mrs. Jean Wylie
Mrs. Ashlee Connell	Dr. Bridget Amory, Executive Secretary

The Regular Meeting of the Milford Board of Education was called to order by President Mr. Fitzgerald at 6:01 PM on Monday evening, April 15, 2024.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MR. ELZEY** to approve the Regular Meeting Minutes for March 18, 2024. **Motion passed unanimously.**

**ADJOURNMENT TO EXECUTIVE SESSION**

**MOTION MADE BY MR. BUCHER/SECONDED BY MRS. MASSOTTI** to adjourn into Executive Session at 6:04 PM. **Motion passed unanimously.**

**RETURN TO OPEN SESSION**

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MR. BUCHER** to adjourn Executive Session at 7:16 PM. Please note that Mr. Elzey left the meeting at 7:16 pm.

**CHANGES TO AGENDA**

None

**PUBLIC COMMENT**

Mr. Ricardo Brinton, Jr. presented student poll results on school climate.

**SUPERINTENDENT’S REPORT**

Congratulations to the Teachers of the Year and Behavioral Health Professional of the Year:

Amber Krajewski – Morris Early Childhood Center

Liliana Ayllon – Banneker Elementary School

Jacky Allman – Lulu Ross Elementary School

Diana Dill – Mispillion Elementary School

Kristin Galati – Milford Central Academy

Andrea McPike – Milford High School

Shannon Gronau – Behavioral Health Professional of the Year

Congratulations to the Lulu Ross and MCA Odyssey of the Mind teams that advanced to the State finals in April. LuLu Ross team won 1<sup>st</sup> place and will compete in the Odyssey of the Mind World Finals in Iowa in May.

***Mispillion Elementary School***

Mispillion 5<sup>th</sup> grade honor society/student council students presented why they love Mispillion School. Thank you Annabelle Spudis, Charlie Muise, Carter Eisenbrey, Samantha Caiola, Peyton Bremer and Bentley Heuy.

***Quadrant 3: Empowering and Investing in our People: Ms. Manges***

Mrs. Manges presented current employee data, new hire data, and recruiting efforts to the board.

***Academic Excellent: Dr. Carvajal-Hageman***

***2024-2025 Academic Calendar***

**MOTION MADE BY MR. BUCHER/SECONDED BY DR. BROWNSTEIN** to approve the 2024-2025 Academic Calendar. **Motion passed unanimously.**

***Student Climate & Safety Update: Dr. Weller***

Currently there are 6 constables, 2 school resource officers and substitute constables. One of the substitute constables is currently completing the constable certification program.

***Field Trip Approval***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MRS. CONNELL** to approve the field trip as presented. **Motion passed unanimously.**

***Building Our Future: Dr. Hale***

***Revenue, Expenditure and Major Capital Reports***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MRS. WYLIE** to approve the Revenue, Expenditure and Major Capital Reports as of March 31, 2024. **Motion passed unanimously.**

***DDOE Financial Position Report***

**MOTION MADE BY MR. BUCHER/SECONDED BY DR. BROWNSTEIN** to approve the DDOE Financial Position Report. **Motion passed unanimously.**

***MMS Bid Pack - Flooring***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MRS. CONNELL** to approve the MMS Bid Pack – Flooring.

<b>Roll Call:</b>	Dr. Brownstein – yes	Mr. Fitzgerald - yes
	Mr. Bucher – abstain	Mrs. Massotti - yes
	Mrs. Connell – yes	Mrs. Wylie - yes
	Mr. Elzey – absent	

**Motion passed.**

***Banneker Contract – Window and Chiller Replacements***

**MOTION MADE BY MR. BUCHER/SECONDED BY MRS. CONNELL** to approve Banneker Contracts: Windows and Chiller Replacements. **Motion passed unanimously.**

***Milford Market Pressure Transfer Resolution FY24***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MR. BUCHER** to approve the Milford Market Pressure Transfer Resolution FY24. **Motion passed unanimously.**

***Child Nutrition Equipment***

**MOTION MADE BY DR. BROWNSTEIN/SECONDED BY MRS. CONNELL** to approve Child Nutrition Equipment. **Motion passed unanimously.**

***Facility Assessments and Repair Maintenance Plan – Mr. Sharp***

**MOTION MADE BY MRS. CONNELL/SECONDED BY MRS. MASSOTTI** to approve the Facility Assessments and Repair Maintenance Plan. **Motion passed unanimously.**

***Empowering and Investing in our People: Ms. Manges  
Personnel Report***

**MOTION MADE BY MRS. WYLIE/SECONDED BY MRS. CONNELL** to accept the Personnel Report as presented during the Executive Session. **Motion passed unanimously.**

**BOARD DISCUSSION**

**Naming of Former Middle School**

**MOTION MADE BY MR. BUCHER/SECONDED BY MRS. CONNELL** to retain the name Milford Middle School for the new school opening in August 2025. **Motion passed unanimously.**

**Spring Assessment Presentation – Dr. Carvajal-Hageman**

Dr. Carvajal-Hageman shared the DESSA Spring 2024 testing dates and testing reminders for families.

**DSBA UPDATES**

Mr. Bucher and Mr. Fitzgerald attended the National School Board Association Conference in New Orleans in April 2024.

**Proposed 2024-2025 Schedule of Board Meetings**

The board reviewed the proposed 2024-2025 schedule of board meetings.

**RECOMMENDED REVISED DRAFT BOARD POLICIES FOR ACTION**

***Revised Board Policy 4309D Limited Contract Positions***

**MOTION MADE BY DR. BROWNSTEIN/SECONDED BY MRS. CONNELL** to approve revised Board Policy 4309D Limited Contract Position with an appendix to explain the categories. **Motion passed unanimously.**

***Revised Board Policy 4330 Employee of the Year Awards***

**MOTION MADE BY MRS. CONNELL/SECONDED BY DR. BROWNSTEIN** to approve revised Board Policy 4330 Employee of the Year Awards. **Motion passed unanimously.**

***Revised Board Policy 3202 Outside Agents and Sales Representatives***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MR. BUCHER** to approve revised Board Policy 3202 Outside Agents and Sales Representatives. **Motion passed unanimously.**

***Revised Board Policy 4223 Overtime and Compensatory Time***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MR. BUCHER** to approve revised Board Policy 4223 Overtime and Compensatory Time. **Motion passed unanimously.**

***Revised Board Policy 4316 State of Delaware Insurance Program***

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MR. BUCHER** to approve revised Board Policy 4216 State of Delaware Insurance Program. **Motion passed unanimously.**

***Revised Board Policy 5206 Homeless and Foster Care Education Program***

**MOTION MADE BY MRS. WYLIE/SECONDED BY MRS. MASSOTTI** to approve revised Board Policy 5206 Homeless and Foster Care Education Program. **Motion passed unanimously.**

**RECOMMENDED DRAFT REVISIONS OF BOARD POLICIES FOR READ ONLY**

- Dr. Weller presented revised Board Policy 5404 Milford School District Code of Conduct

**RECOMMENDED DELETION OF BOARD POLICIES FOR READ ONLY**

- Dr. Weller presented Board Policy 5414 Student Code of Conduct Elementary Schools K-5 for deletion
- Dr. Weller presented Board Policy 5417 School Bus Code of Conduct General Information for deletion

**ADJOURNMENT**

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY DR. BROWNSTEIN** that the Regular Meeting of the Milford Board of Education held on Monday, April 15, 2024, adjourn @ 9:20 pm. **Motion passed unanimously.**

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Bridget Amory, Ed.D., Executive Secretary

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Theresa Blocker, Recording Secretary

MILFORD SCHOOL DISTRICT  
BOARD OF EDUCATION  
REGULAR BOARD MEETING  
APRIL 25, 2024

Board Members in Attendance	
Mr. Matt Bucher, Vice President	Mrs. Jennifer Massotti
Mrs. Ashlee Connell	Mrs. Jean Wylie
Mr. Victor “Butch” Elzey	Dr. Bridget Amory, Executive Secretary

The Regular Meeting of the Milford Board of Education was called to order by Vice President Mr. Bucher at 7:35 AM on Thursday morning, April 25, 2024.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

None

**CHANGES TO AGENDA**

None

**GRIEVANCE HEARING**

***Custodial Time Regarding Snow Removal***

Grievance hearing was held regarding custodial time and snow removal.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION AND AMEND THE AGENDA**

**MADE BY MRS. CONNELL/SECONDED BY MR. ELZEY** to adjourn into executive session and amend the agenda at 7:57 AM. **Motion passed unanimously.**

**RETURN TO OPEN SESSION**

**MOTION MADE BY MRS. CONNELL/SECONDED BY MRS. WYLIE** to adjourn Executive Session at 8:24 AM.

**GRIEVANCE HEARING**

***Custodial Time Regarding Snow Removal***

**MOTION MADE BY MRS. CONNELL/SECONDED BY MR. ELZEY** to deny the grievance. **Motion passed unanimously.**

**ADJOURNMENT**

**MOTION MADE BY MRS. MASSOTTI/SECONDED BY MRS. CONNELL** that the Regular Meeting of the Milford Board of Education held on Thursday, April 25, 2024, adjourn @ 8:25 AM. **Motion passed unanimously.**

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Bridget Amory, Ed.D., Executive Secretary

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Theresa Blocker, Recording Secretary



# MSD DUAL LANGUAGE SPANISH IMMERSION

BOARD MEETING PRESENTATION  
MAY 20, 2024



The background is a solid dark red color. In the top left, there is a dark red star-like shape. In the top right, there is a purple triangle with a white grid pattern. In the bottom left, there is a teal-colored abstract swirl. In the bottom right, there is a yellow abstract line that zig-zags across the frame.

# WHAT IS DUAL LANGUAGE IMMERSION?



A dual language immersion program develops bilingualism and biliteracy in English and a second language. Our two-way model integrates Spanish learners (proficient in English) with Spanish speakers (proficient in Spanish).

# Three Pillars of Dual Language Immersion



Bilingualism  
& Biliteracy

Academic  
Achievement

Socio-Cultural  
Competence

# Bilingualism & Biliteracy

- Oracy
  - Listening & Speaking Skills
- Literacy
  - Reading & Writing Skills
- Metalinguistic Awareness
  - Ability to Analyze, Compare & Contrast Linguistic Forms



# Academic Achievement



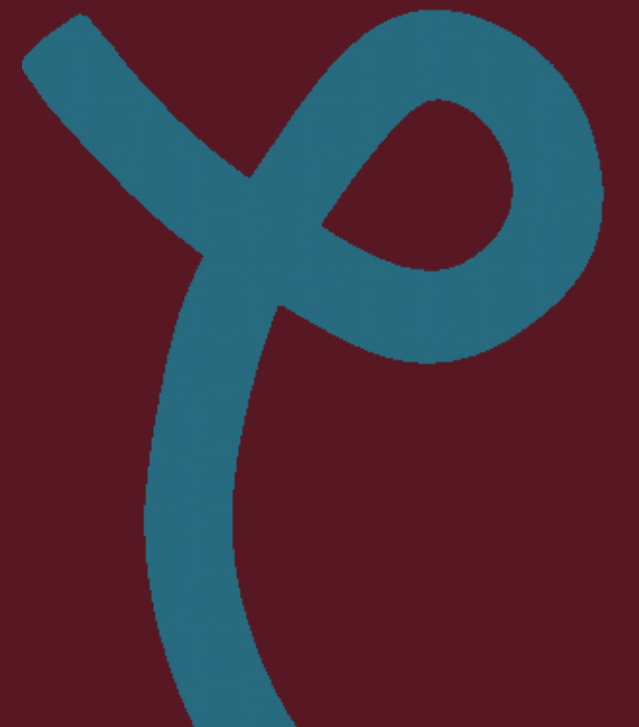
- Outperform
  - Monolingual peers
- At or Above Grade Level in 2 Languages
  - Language Arts
  - Math
  - Science
  - Social Studies



# Socio-Cultural Competence



- Cross-Cultural Competence
- Multicultural Appreciation
- Critical Consciousness








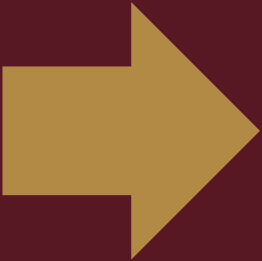
The background is a dark maroon color. In the top left, there is a dark red, multi-pointed star-like shape. In the top right, there is a purple triangle with a white grid pattern. In the bottom left, there is a teal-colored abstract swirl. In the bottom right, there is a yellow and brown abstract shape that looks like a stylized 'N' or a series of connected curves. A central dark maroon rectangle with rounded corners contains the text.

# CONNECTING DLI TO OUR STRATEGIC PLAN

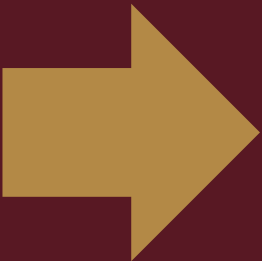


Portrait of a Buccaneer

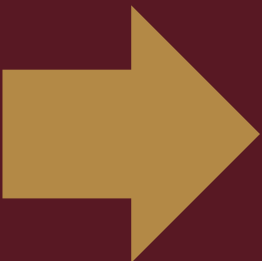
 <p>PROBLEM SOLVING</p>	Milford students will be equipped to find the best possible solutions to simple and complex challenges.
 <p>COMMUNICATION SKILLS</p>	Milford students will listen and communicate in a clear and effective manner to a range of audiences.
 <p>TEAM BUILDING</p>	Milford students will work collaboratively with diverse groups of people to reach common goals and success.
 <p>EMPATHY</p>	Milford students will demonstrate compassion as they consider the perspective of others to better the community.
 <p>WORK ETHIC</p>	Milford students will persevere and put forth their best effort to complete tasks understanding that it will often take multiple attempts.



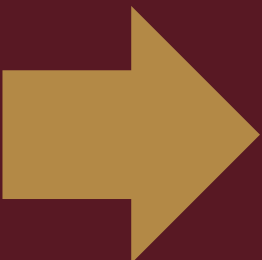
Switching between two languages activates the part of the brain responsible for problem-solving and filtering information. Being able to find solutions to challenges in both Spanish and English is an invaluable skill.



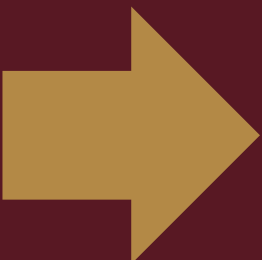
Being able to communicate with speakers of both English and Spanish effectively allows students to become better communicators and listeners in all aspects of their lives.



Exposure to the cultures and traditions of a variety of Spanish-speaking countries and participating in local cultural experiences allow students to learn about and work collaboratively with diverse groups of people.



Acknowledging cultural differences, encouraging empathy when learning about new cultures, and considering other perspectives are ways multicultural appreciation is cultivated among students.



Academic achievement is a key pillar of Dual Language Immersion. Learning in two languages can be challenging for many students, but perseverance by the students and families produces the invaluable skill of biligualism.





# MSD DUAL LANGUAGE IMMERSION PROGRAM DESIGN

# **DLI @ Morris, Banneker & Ross**

- **453 Students in Grades K-5**
- **50/50 Instructional Model**

# DLI @ Central Academy

- **89 Students in Grades 6 & 7**
- **Social Studies in Spanish**
- **Spanish Language & Culture Course**

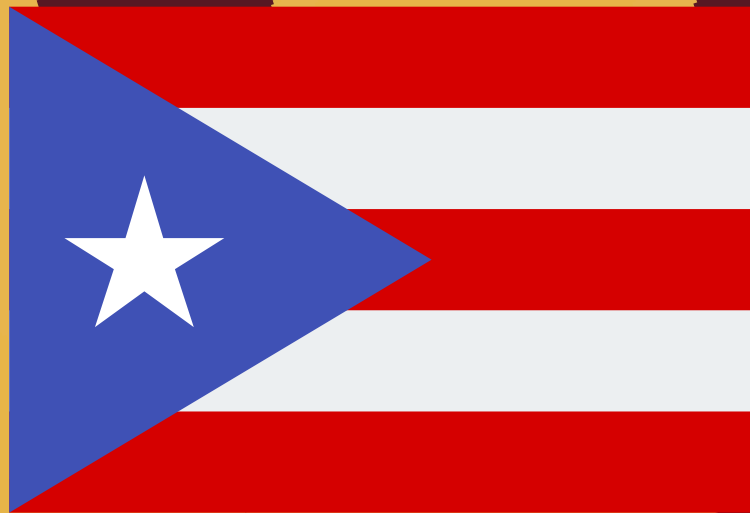


# Looking to the future...

## DLI @ MHS

- Cohort 1 will enter grade 9 in SY 25-26
- Multiple entry points into Advanced Placement and college-level Spanish courses
- Proficiency data will be used to determine the readiness level of students
- The goal is for highly motivated students to have a minor/Associate Degree in Spanish upon graduation

# Our Dual Language Spanish Immersion Teachers



# **DL Spanish Immersion has allowed MSD to...**

- **Recognize linguistic diversity as an asset to be built upon rather than a deficit**
- **Increase diversity among staff in all schools**
- **Provide additional support to both the English and Spanish-speaking populations in our district**
- **Increase our ability to communicate with families in their native language**



# PARENT & STUDENT TESTIMONIALS





**GRACIAS**



**MILFORD SCHOOL DISTRICT**  
**Fiscal Year 2024 Monthly Revenue Report**  
**As of April 30, 2024**  
**83% of the Fiscal Year completed**

REVENUE SOURCE	Final FY 2024 Budget	Actual to date	% received
<b>STATE FUNDS</b>			
Formula Salaries	34,396,104.39	31,461,049.22	91.47%
Cafeteria Salaries	639,693.00	639,693.00	100.00%
Division II, All Other Costs	993,184.00	993,184.00	100.00%
Division II, All Other Costs - VOC	116,210.00	116,210.00	100.00%
Division II, Energy	862,232.00	862,232.00	100.00%
Division III, Equalization	6,251,388.00	6,251,388.00	100.00%
State Transportation	4,055,010.98	4,217,795.08	104.01%
Homeless Transportation	534,984.00	804,984.00	150.47%
Foster Care Transportation	92,391.00	142,391.00	154.12%
Transportation Supply	1,000.00	1,000.00	100.00%
Related Services Cash Option	316,175.25	325,657.72	103.00%
Drivers' Education	23,169.00	23,169.00	100.00%
Unique Alternatives	408,146.71	408,146.71	100.00%
Delaware Sustainment Fund	823,122.00	823,122.00	100.00%
Technology Block Grant	110,160.00	110,160.00	100.00%
World Language Expansion	-	46,817.09	
Education Opportunity Grant	1,970,924.40	1,970,924.40	100.00%
Education Opportunity Grant - Mental Health	436,848.00	462,398.00	105.85%
Student Success Block Grant - Reading	344,620.00	344,620.00	100.00%
Filter First - Lead Remediation Funds	100,782.00	100,782.00	100.00%
Year Long Teacher Residencies	43,684.00	43,684.00	100.00%
Substitute Reimbursement- Paid Parental Leave	41,214.00	60,576.30	146.98%
School Safety and Security	289,967.00	289,967.00	100.00%
CPR Instruction	1,147.01	1,147.01	100.00%
School Recognition - Banneker	8,000.00	8,000.00	100.00%
Minor Capital Improvements	417,339.00	417,339.00	100.00%
Major Capital Improvements	-	11,100,000.00	
<b>TOTAL STATE FUNDS</b>	<b>53,277,495.74</b>	<b>62,026,436.53</b>	<b>116.42%</b>
<b>LOCAL FUNDS</b>			
Current Expense (tax rate)	9,767,863.00	9,226,925.41	94.46%
Current Expense (capitations)	200.00	75.60	37.80%
Debt Service	2,100,000.00	2,057,322.95	97.97%
Debt Service - County Impact Fees	92,500.00	94,481.64	102.14%
Tuition	1,800,000.00	1,800,242.57	100.01%
Minor Capital Improvements	278,226.00	330,981.09	118.96%
Interest	1,259,000.00	1,144,182.20	90.88%
Athletics	32,500.00	33,291.00	102.43%
CSCR	45,000.00	46,977.39	104.39%
Indirect Costs	75,000.00	10,286.02	13.71%
Cafeteria	2,700,000.00	2,024,484.93	74.98%
Social Studies Coalition/Donations	98,500.00	94,458.24	95.90%
Building Rental	2,000.00	1,560.00	78.00%
E-Rate	-	2,689.20	
Net Choice Billings	(202,385.26)	(202,385.26)	100.00%
Net Charter Billings	(209,563.67)	(209,563.67)	100.00%
Tuition Billings	(2,100,000.00)	(1,912,961.16)	91.09%
Other Local Revenue	35,000.00	22,147.70	63.28%
Education Opportunity Match	-		
Extra Time Local Match	-		
Reading and Match Specialist Match	-		
Technology Maintenance Match	-		
Major Capital Improvements	-		
<b>TOTAL LOCAL FUNDS</b>	<b>15,773,840.07</b>	<b>14,565,195.85</b>	<b>92.34%</b>
<b>FEDERAL FUNDS</b>			
IDEA Part B	1,292,973.00	1,292,973.00	100.00%
IDEA - Preschool	58,844.00	58,844.00	100.00%
Title I	1,805,919.00	1,805,919.00	100.00%
Title II	346,873.00	346,873.00	100.00%
Title III English Acquisition	108,406.00	108,406.00	100.00%
Title IV	215,270.00	215,270.00	100.00%
Perkins	127,837.00	127,837.00	100.00%
Other federal revenue	-	1,028.95	
<b>TOTAL FEDERAL/OTHER FUNDS</b>	<b>3,956,122.00</b>	<b>3,957,150.95</b>	<b>100.03%</b>
<b>GRAND TOTAL ALL FUNDS</b>	<b>73,007,457.81</b>	<b>80,548,783.33</b>	<b>110.33%</b>

**Milford School District**  
**Monthly Report of Expenditures**  
**For the month ended April 30, 2024**

Operating Unit	Budget Line	Final Budget			%	
		Amount	Encumbered	Expended	Budget Remaining	Remaining
9180668A	Benjamin Banneker Elementary School	\$ 65,225.00	6,507.34	38,711.65	\$ 20,006.01	30.67%
9180670A	Evelyn I. Morris Early Childhood Center	\$ 64,600.00	1,388.46	60,315.02	\$ 2,896.52	4.48%
9180672A	Lulu M. Ross Elementary School	\$ 87,425.00	5,160.14	68,297.28	\$ 13,967.58	15.98%
9180673A	Mispillion Elementary School	\$ 70,400.00	10,421.05	46,474.09	\$ 13,504.86	19.18%
9180675A	Milford Central Academy	\$ 131,390.00	5,106.09	82,602.74	\$ 43,681.17	33.25%
9180678A	Milford Senior High School	\$ 188,175.00	14,324.80	118,563.70	\$ 55,286.50	29.38%
99900000	Board Of Ed/District Expenses	\$ 9,000.00	-	6,880.99	\$ 2,119.01	23.54%
	School Resource Officer	\$ 15,000.00	220.00	23,546.00	\$ (8,766.00)	-58.44%
99900100	Legal Services, Audit and Insurance Premiums	\$ 130,000.00	35,433.48	65,039.37	\$ 29,527.15	22.71%
99900300	District Expenditures	\$ 55,000.00	3,265.04	33,364.37	\$ 18,370.59	33.40%
	School Safety and Security	\$ 289,967.00	131,258.43	153,429.35	\$ 5,279.22	1.82%
	Public Relations and Communication	\$ 40,000.00	12,981.00	24,657.43	\$ 2,361.57	5.90%
	Copy Center (District Wide)	\$ 135,000.00	23,726.73	105,083.30	\$ 6,189.97	4.59%
99910100	Superintendent	\$ 1,500.00	408.34	1,004.67	\$ 86.99	5.80%
99920000	World Language Immersion (State Grant)	\$ -	-	-	\$ -	-
	Educator Accountability (State Grant)	\$ 1,147.01	-	-	\$ 1,147.01	100.00%
	Student Success Block Grant (Reading)	\$ 344,620.00	-	201,931.48	\$ 142,688.52	41.40%
	Opportunity Grant Mental Health	\$ 436,848.00	25,550.00	-	\$ 411,298.00	94.15%
	Education Opportunity Grant	\$ 1,970,924.40	-	83,964.60	\$ 1,886,959.80	95.74%
	School Recognition (Banneker)	\$ 8,000.00	-	8,000.00	\$ -	0.00%
	Summer School	\$ 30,000.00	-	-	\$ 30,000.00	100.00%
	Translators	\$ 20,000.00	-	809.05	\$ 19,190.95	95.95%
	Extra Time Programs	\$ 30,000.00	-	-	\$ 30,000.00	100.00%
	Curriculum and Instruction	\$ 150,000.00	-	18,356.88	\$ 131,643.12	87.76%
99920700	Athletics - High School	\$ 180,000.00	12,536.68	167,494.11	\$ (30.79)	-0.02%
	Athletics - Milford Central Academy	\$ 40,000.00	-	34,752.69	\$ 5,247.31	13.12%
99920800	Driver's Education	\$ 23,169.00	-	10,070.40	\$ 13,098.60	56.54%
99930200	Tuition - Special Services	\$ 330,000.00	-	403,006.42	\$ (73,006.42)	-22.12%
	Tuition - Special Services - ILC	\$ 275,000.00	516.73	186,058.00	\$ 88,425.27	32.15%
	Unique Alternatives (State Funds)	\$ 408,146.71	-	244,650.64	\$ 163,496.07	40.06%
99930300	Special Services	\$ 59,500.00	7,217.48	41,684.69	\$ 10,597.83	17.81%
	Special Services - State Related Services	\$ 316,175.25	40,544.67	272,154.53	\$ 3,476.05	1.10%
99940100	Contingencies and One-Time Items	\$ 425,000.00	247,922.58	152,186.32	\$ 24,891.10	5.86%
99940200	Division I/Formula Salaries	\$ 34,437,318.39	-	29,389,618.44	\$ 5,047,699.95	14.66%
99940300	Division II - Vocational	\$ 116,210.00	6,477.94	32,978.58	\$ 76,753.48	66.05%
99940400	Division III/Local Salaries	\$ 12,723,962.94	-	9,624,875.88	\$ 3,099,087.06	24.36%
	Union agreed Limited Contracts	\$ 385,000.00	-	238,195.56	\$ 146,804.44	38.13%
99940500	Title I	\$ 1,805,919.00	102,298.98	438,755.04	\$ 1,264,864.98	70.04%
	Title II	\$ 346,873.00	-	122,681.63	\$ 224,191.37	64.63%
	Title III	\$ 108,406.00	105.33	7,583.91	\$ 100,716.76	92.91%
	Title IV	\$ 215,270.00	-	21,437.09	\$ 193,832.91	90.04%
	IDEA Part B	\$ 1,292,973.00	9,770.00	3,425.00	\$ 1,279,778.00	98.98%
	IDEA Preschool	\$ 58,844.00	-	32,551.13	\$ 26,292.87	44.68%
	Perkins	\$ 127,837.00	-	58,024.98	\$ 69,812.02	54.61%
	Homeless	\$ -	-	-	\$ -	-
99940600	Insurance Expense	\$ 142,000.00	-	141,251.00	\$ 749.00	0.53%
99940700	Social Studies Coalition/Donations	\$ 98,500.00	-	82,848.42	\$ 15,651.58	15.89%
99940810	Technology Equipment & Repair	\$ 286,000.00	1,515.86	125,695.87	\$ 158,788.27	55.52%
	Technology Block Grant	\$ 110,160.00	22,179.25	87,980.75	\$ -	0.00%
99940900	Tuition Reimbursement - Administration	\$ 15,000.00	-	7,500.00	\$ 7,500.00	50.00%
	Tuition Reimbursement	\$ 70,000.00	-	35,000.00	\$ 35,000.00	50.00%
99950000	Personnel/Human Resources	\$ 10,000.00	147.43	7,299.06	\$ 2,553.51	25.54%
99960000	Child Nutrition Operations	\$ 2,700,000.00	573,033.92	2,655,044.92	\$ (528,078.84)	-19.56%
	Cafeteria Salaries	\$ 639,693.00	-	589,777.27	\$ 49,915.73	7.80%
99960100	Facilities Maintenance	\$ 90,000.00	623.56	43,961.71	\$ 45,414.73	50.46%
	Custodial Services and Supplies	\$ 150,000.00	61.31	121,064.86	\$ 28,873.83	19.25%
99960200	Operations and Utilities	\$ 462,282.00	18,163.96	307,405.50	\$ 136,712.54	29.57%
	Energy Division II	\$ 862,232.00	137,190.18	256,523.09	\$ 468,518.73	54.34%
99960300	State Transportation	\$ 4,055,010.98	693,095.20	3,345,231.55	\$ 16,684.23	0.41%
	State Homeless Transportation	\$ 534,984.00	-	662,808.60	\$ (127,824.60)	-23.89%
	State Foster Transportation	\$ 92,391.00	-	98,458.00	\$ (6,067.00)	-6.57%
	Transportation Supplies	\$ 1,000.00	-	54.49	\$ 945.51	94.55%
99960400	Transportation Internal Budget (Local)	\$ 23,000.00	2,319.56	11,664.83	\$ 9,015.61	39.20%
	Local Activities Transportation	\$ 2,000.00	-	-	\$ 2,000.00	100.00%
	Local Homeless Transportation Match	\$ 59,442.67	-	83,854.10	\$ (24,411.43)	-41.07%
	Local Transportation Match	\$ 449,456.77	77,010.60	374,834.46	\$ (2,388.29)	-0.53%
<b>Total Operating Budget</b>		<b>\$ 68,802,978.12</b>	<b>\$ 2,228,482.12</b>	<b>\$ 51,661,475.49</b>	<b>\$ 14,913,020.51</b>	<b>21.67%</b>
99970000	Local Debt Service	\$ 2,162,746.41	-	1,328,661.74	\$ 834,084.67	38.57%
99970200	Minor Capital Improvements	\$ 695,565.00	78,034.23	78,743.87	\$ 538,786.90	77.46%
<b>Total Capital Budget</b>		<b>\$ 2,858,311.41</b>	<b>\$ 78,034.23</b>	<b>\$ 1,407,405.61</b>	<b>\$ 1,372,871.57</b>	<b>48.03%</b>
<b>Grand Total</b>		<b>\$ 71,661,289.53</b>	<b>\$ 2,306,516.35</b>	<b>\$ 53,068,881.10</b>	<b>\$ 16,285,892.08</b>	<b>22.73%</b>

*Note: Budgets are based on the final budget allocations as voted by the MSD Board of Education  
Items highlighted in blue are restricted expenditures. Funds must be used for specific purpose per funding guidelines.*

# Milford Middle School Project

EXPENDITURE																	
VENDOR	VENDOR ID	BID #	PO Number	Contract Total	Contract Change		New Contract Total	Current Encumbrance	Expended to date	Contract Balance							
					Orders												
Construction																	
Zack Excavating Inc	27581	B-1	677961	\$	3,495,949.00		\$	3,495,949.00	\$	2,768,460.10	\$	727,488.90	\$	-	\$	3,495,949.00	
Expense Reduction - CTF Funding (Zack Excavating)								(462,500.00)				(157,500.00)				(157,500.00)	
Blue Heron Contracting Inc	650093	B-4	677958	\$	1,590,069.00		\$	1,590,069.00	\$	1,534,483.55	\$	55,585.45	\$	-	\$	1,590,069.00	
L. Wilson Masonry Inc	244015	B-5	677956	\$	2,960,000.00		\$	2,960,000.00	\$	2,870,700.00	\$	89,300.00	\$	-	\$	2,960,000.00	
Delmarva Veteran Builder	317909	B-7	677955	\$	5,149,786.00		\$	5,149,786.00	\$	5,050,624.95	\$	99,161.05	\$	-	\$	5,149,786.00	
Quality Exteriors Inc	26893	B-8	677952	\$	2,234,188.00		\$	2,234,188.00	\$	2,234,188.00	\$	-	\$	-	\$	2,234,188.00	
Selma Inc DBA Salisbury Door & Hardware	28649	B-9	677948	\$	596,815.00		\$	596,815.00	\$	596,815.00	\$	-	\$	-	\$	596,815.00	
Walker & Laberge of Delaware Inc.	31519	B-10	677945	\$	2,172,000.00		\$	2,172,000.00	\$	2,172,000.00	\$	-	\$	-	\$	2,172,000.00	
Master Interiors Inc	26048	B-12	677943	\$	698,097.00		\$	698,097.00	\$	688,597.00	\$	9,500.00	\$	-	\$	698,097.00	
Jamestown Painting & Decorating Inc	26542	B-14	677941	\$	585,570.00		\$	585,570.00	\$	585,570.00	\$	-	\$	-	\$	585,570.00	
Modular Concepts Inc	26631	B-15	677940	\$	550,000.00		\$	550,000.00	\$	550,000.00	\$	-	\$	-	\$	550,000.00	
11400 Inc	137841	B-16	677938	\$	878,000.00		\$	878,000.00	\$	865,460.00	\$	12,540.00	\$	-	\$	878,000.00	
Ralph G. Degli Obizzi & Sons, Inc	24941	B-17	677936	\$	8,375,000.00		\$	8,375,000.00	\$	7,556,758.21	\$	818,241.79	\$	-	\$	8,375,000.00	
Bear Industires Inc	25487	B-18	677928	\$	879,150.00		\$	879,150.00	\$	879,150.00	\$	-	\$	-	\$	879,150.00	
Continental Electrical Services Inc	125778	B-19	677931	\$	4,015,000.00		\$	4,015,000.00	\$	3,889,400.50	\$	125,599.50	\$	-	\$	4,015,000.00	
Peninsula Acoustical Co. Inc.	24549	B-20	677925	\$	1,030,000.00		\$	1,030,000.00	\$	1,030,000.00	\$	-	\$	-	\$	1,030,000.00	
North East Contractors Inc	28982	B-11	678374	\$	4,140,000.00		\$	4,140,000.00	\$	4,065,900.00	\$	74,100.00	\$	-	\$	4,140,000.00	
RC Fabricators	26366	B-6	678391	\$	4,670,000.00		\$	4,670,000.00	\$	2,120,917.10	\$	137,750.00	\$	2,411,332.90	\$	4,670,000.00	
Flooring Solutions, Inc	28899	B-13	687909	\$	2,404,266.00		\$	2,404,266.00	\$	2,404,266.00	\$	-	\$	-	\$	2,404,266.00	
CM																	
Richard Y Johnson & Son Inc	24881		605301	\$	3,731,124.00		\$	3,731,124.00	\$	2,275,145.16	\$	1,455,978.84	\$	-	\$	3,731,124.00	
Architect																	
Buck Simpers Architect and Associates	25833		612154	\$	4,473,229.00		\$	4,473,229.00	\$	759,912.72	\$	3,713,316.28	\$	-	\$	4,473,229.00	
Environmental and Demo																	
DIS Associates	701815		664108	\$	1,296,787.00	\$	44,350.00	\$	1,341,137.00	\$	33,528.44	\$	1,307,608.56	\$	-	\$	1,341,137.00
Modulus LLC	671154		648148	\$	1,140,425.00		\$	1,140,425.00	\$	-	\$	1,140,425.00	\$	-	\$	1,140,425.00	
Other																	
A3 Communications (Advantech) Construction Funded			678196				\$	3,413,950.00	\$	3,413,950.00					\$	3,413,950.00	
L&W Insurance			Dir. Claim	\$	95,786.00		\$	95,786.00	\$	-	\$	95,786.00			\$	95,786.00	
Auditors Office			Dir. Claim	\$	88,558.90		\$	88,558.90	\$	-	\$	88,558.90			\$	88,558.90	
Total Project					\$57,249,799.90		\$44,350.00	\$60,245,599.90		\$48,345,826.73		\$9,793,440.27		\$2,411,332.90		\$60,550,599.90	
								Total Per DSC	\$	48,345,826.73	\$	9,793,440.27		\$2,411,332.90		\$60,550,599.90	
								Difference	\$	-	\$	-			\$	-	
														\$	60,550,599.90		
													Balance	\$	11,719,900.10		
REVENUE																	
FISCAL YEAR	BOND NO.	DATE OF ISSUANCE	PROJECT	STATE		LOCAL	TOTAL REVENUE										
2022	Local Bond 239	3/2/2022	Milford Middle School	\$	4,963,300.00	\$	1,743,900.00	\$	6,707,200.00								
2023	Local Bond 240	5/10/2023	Milford Middle School	\$	35,416,900.00	\$	12,443,701.00	\$	47,860,601.00								
2024	TBD	May 2024.	Milford Middle School	\$	2,000,000.00	\$	702,699.00	\$	2,702,699.00								
Market Pressure Funding				\$	11,100,000.00	\$	3,900,000.00	\$	15,000,000.00								
TOTAL REVENUE BUDGET				\$	53,480,200.00	\$	18,790,300.00	\$	72,270,500.00								



# Preliminary School Tax Rate Information

Milford Board of Education  
May 20, 2024

# School Tax Rate

## Four separate components

- **Current Expense**
- **Debt Service**
- **Match Tax**
- **Tuition Tax**



# Current Expense

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



# Debt Service

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



# Match Tax

- Set by the local board of education and does not require referendum approval
- Milford is currently only assessing the Minor Capital Improvement match tax to receive the state funding for building and grounds repairs and maintenance
- Other Match Taxes Allowable:
  - Extra Time
  - Technology
  - Reading Specialists
  - Math Specialists
  - Reading Interventionist
  - State Opportunity Grant





# Tuition Tax

- **Provides revenue to pay the tuition costs of Milford School District students with special needs who require specialized services within the district or who must attend special schools within and outside of the State of Delaware**
- **Continue to implement strategies to stabilize Tuition Tax expenses**
- **Have expanded in-district program offerings**
- **Continue to maintain contingency to offset sharp increases in one fiscal year**



# Fiscal Year 2025 Considerations

- **Growth in total property assessments not related to reassessment**
  - Growth trend approximately 5 percent annually
- **Completion of Reassessment in Kent County only**
- **Final Bond Sale for Milford Middle School Project**
- **Debt Service planning to stabilize tax rates**

# Assessment Basics

- **The value of your home on which your property taxes are calculated**
- **Calculated by respective County tax assessment office**
- **Current 2024 Reassessment updated 1986 values in Kent County**
- **Sussex values based on formula from 1974**
  - **Reassessment in progress; expected completion 2025**

# Before Kent Reassessment

**Milford School District is split between Kent & Sussex Counties**

- **The Assessment-to-Sales Ratio Study for Division III Equalization Funding report is used as a means of “equalizing” tax rates**
  - **Assessment to Sales ratios had been frozen since 2010**
- **Formula is applied so that an identical property in Kent or Sussex County is taxed the same**



House 1

- Located in MSD - Kent County
- Last Property Assessment - 1986
- Assessed Value \$57,934



House 2

- Located in MSD - Sussex County
- Last Property Assessment - 1974
- Assessed Value \$20,500

# Fiscal Year 2024 Tax Rates

## Sussex County

CATEGORY	FY 2023	FY 2024	CHANGE	
CURRENT EXPENSE	\$ 3.2188	\$ 3.2188	\$ -	0.0%
TUITION	\$ 0.9933	\$ 0.6225	\$ (0.3708)	-37.3%
DEBT SERVICE	\$ 0.3852	\$ 0.7263	\$ 0.3411	88.6%
MATCH TAX - MCI	\$ 0.0984	\$ 0.0962	\$ (0.0022)	-2.2%
MATCH TAX - EXTRA-TIME			\$ -	
MATCH TAX - TECHNOLOGY			\$ -	
MATCH TAX - READING				
SPECIALISTS			\$ -	
MATCH TAX - MATH SPECIALISTS			\$ -	
<b>TOTAL TAX RATE</b>	<b>\$ 4.6957</b>	<b>\$ 4.6638</b>	<b>\$ (0.0319)</b>	<b>-0.6%</b>

## Kent County

CATEGORY	FY 2023	FY 2024	CHANGE	
CURRENT EXPENSE	\$ 1.1390	\$ 1.1390	\$ -	0.0%
TUITION	\$ 0.3514	\$ 0.2203	\$ (0.1311)	-37.3%
DEBT SERVICE	\$ 0.1363	\$ 0.2570	\$ 0.1207	88.6%
MATCH TAX - MCI	\$ 0.0348	\$ 0.0340	\$ (0.0008)	-2.3%
MATCH TAX - EXTRA-TIME			\$ -	
MATCH TAX - TECHNOLOGY			\$ -	
MATCH TAX - READING				
SPECIALISTS			\$ -	
MATCH TAX - MATH SPECIALISTS			\$ -	
<b>TOTAL TAX RATE</b>	<b>\$ 1.6615</b>	<b>\$ 1.6503</b>	<b>\$ (0.0112)</b>	<b>-0.6%</b>

- Different rates in each county
- Same impact to House 1 and House 2
- Kent County had higher assessed value; lower rate

# After Kent Reassessment



House 1

- Located in MSD - Kent County
- New Property Assessment - 2024
- Old Assessed Value \$57,934
- Assessment to Sales Ratio = 1.0
- New Assessed Value \$338,879.68
- Total School Tax \$932.26



House 2

- Located in MSD - Sussex County
- Last Property Assessment - 1974
- Assessed Value \$20,500
- Assessment to Sales Ratio = 0.063
- Total School Tax \$932.26

Fiscal Year 2024 District Assessed Value – Kent	\$296,546,000
Fiscal Year 2025 District RE-Assessed Value – Kent	\$1,906,187,000
Percent Change 2024 to 2025	542.80% increase

## Fiscal Year 2024 Tax Rate

Current Expense	1.1390
Match Tax	0.0340
Tuition	0.2203
Debt Service	0.2570
<b>Total</b>	<b>1.6503</b>

## Fiscal Year 2025 Proposed Tax Rate\*

Current Expense	0.1949
Match Tax	0.0066
Tuition	0.0265
Debt Service	0.0435
<b>Total</b>	<b>0.2715</b>

***\*Preliminary***

## Fiscal Year 2024 Revenue - Kent

- Property Tax calculated for every \$100 of assessed value
- Formula = (Assessed Home Value/100) x School Tax Rate

School Tax Component	Rate	Assessed Value Divided by 100	Revenue
Current Expense	1.1390	2,941,146	3,349,965.29
Match Tax	0.0340	2,941,146	99,998.96
Tuition	0.2203	2,941,146	647,934.46
Debt Service	0.2570	2,941,146	755,874.52
<b>Total</b>	<b>1.6503</b>		<b>4,853,773.24</b>



## **Fiscal Year 2025 Revenue - Kent**

- Del. Code, Title 14 §1916 (c)
  - Allows districts to calculate up to a 10 percent increase in revenue post-reassessment
  - Considers reassessment as a single point in time and allows the district to collect funds that would have been generated with natural assessed value growth/total district property value
  - Applies to Current Expense component only
- Last Current Expense rate set in 2015
- No Current Expense increase requested with Milford Middle School Project
- Recommendation to apply allowance to avoid losing revenue from natural district total property value growth
- Match, Tuition and Debt Service Tax rates are set based on need and Debt Service Schedule

## Fiscal Year 2025 Revenue – Kent

*Includes adjustment to Current Expense to accommodate for natural assessment growth*

School Tax Component	Rate	Assessed Value Divided by 100	Revenue
Current Expense	0.1949	19,061,870	3,715,158
Match Tax	0.0066	19,061,870	125,808
Tuition	0.0265	19,061,870	505,140
Debt Service	0.0435	19,061,870	829,191
<b>Total</b>	<b>0.2715</b>		<b>5,175,297</b>
		<i>Difference from FY 24</i>	<i>321,523.76</i>

	FY 2024 Revenue	FY 2025 Revenue	Difference from FY 24 to FY 25	% Change
Current Expense	3,349,965.29	3,715,158.00	365,192.71	7.5%
Match Tax	99,998.96	125,808.00	25,809.04	0.5%
Tuition	647,934.46	505,140.00	(142,794.46)	-2.9%
Debt Service	755,874.52	829,191.00	73,316.48	1.5%
	4,853,773.24	5,175,297.00	321,523.76	6.6%

## Property Reassessment Examples

	Assessed Values	Annual Property Tax	Different Old vs. New FY 25 Rate*
Map Number: 8 01 11517 02 0501 000			
Old Assessment	45,500.00	750.89	
New	306,000.00	830.79	79.90
Map Number: 5 00 17300 01 7403 000			
Old Assessment	114,300.00	1,886.29	
New	581,400.00	1,578.50	(307.79)
Map Number: 5 00 15100 01 3109 000			
Old Assessment	70,900.00	1,170.06	
New	489,100.00	1,327.91	157.84
Map Number: 5 00 15100 01 2502 000			
Old Assessment	104,400.00	1,722.91	
New	634,800.00	1,723.48	0.57
Map Number: 5 16 17401 03 1800 000			
Old Assessment	48,100.00	793.79	
New	373,400.00	1,013.78	219.99
Map Number: 5 00 15200 02 5942 000			
Old Assessment	36,600.00	604.01	
New	303,700.00	824.55	220.54

*\*New rate as proposed in preliminary tax information presented*

- **Impact is different for each individual property owner**
- **No consistency of reassessment changes**

## Fiscal Year 2025 – Sussex

- Reflects updated Total Property Value
- Reassessment projected completion 2025 for FY 2026 rate calculation

### Sussex County

CATEGORY	FY 2024		FY 2025		CHANGE	
CURRENT EXPENSE	\$	3.2188	\$	3.2188	\$	- 0.0%
TUITION	\$	0.6225	\$	0.4728	\$	(0.1497) -24.0%
DEBT SERVICE	\$	0.7263	\$	0.7767	\$	0.0504 6.9%
MATCH TAX - MCI	\$	0.0962	\$	0.1174	\$	0.0212 22.0%
MATCH TAX - EXTRA-TIME					\$	-
MATCH TAX - TECHNOLOGY					\$	-
MATCH TAX - READING						
SPECIALISTS					\$	-
MATCH TAX - MATH						
SPECIALISTS					\$	-
<b>TOTAL TAX RATE</b>	<b>\$</b>	<b>4.6638</b>	<b>\$</b>	<b>4.5857</b>	<b>\$</b>	<b>(0.0781) -1.7%</b>

## Next Steps

- Final Kent County Assessment information expected in June 2024
- Final Calculations and Tax Warrants prepared for each County
- Presented to Milford Board of Education for Approval July 8, 2024



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

**DRAFT**

**FY 2024-2025 SCHEDULE OF BOARD MEETINGS**

<b>July 1, 2024</b>	<b>6:00 pm</b>	<b>Reorganization Meeting/Regular Meeting</b>	<b>Milford High School</b>
<b>July 15, 2024</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Milford High School</b>
<b>July 29, 2024</b>	<b>7:30 am</b>	<b>Regular Meeting</b>	<b>Milford District Office</b>
<b>August 8, 2024</b>	<b>7:30 am</b>	<b>Regular Meeting</b>	<b>Milford District Office</b>
<b>August 19, 2024</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Morris Early Childhood Center</b>
<b>September 16, 2024</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Lulu Ross Elementary School</b>
<b>October 21, 2024</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Mispillion Elementary School</b>
<b>November 18, 2024</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Benjamin Banneker Elem. School</b>
<b>December 16, 2024</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Milford Central Academy</b>
<b>January 21, 2025 (Tuesday)</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Milford High School</b>
<b>February 24, 2025</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Morris Early Childhood Center</b>
<b>March 17, 2025</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Lulu Ross Elementary School</b>
<b>April 14, 2025</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Mispillion Elementary School</b>
<b>May 19, 2025</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Benjamin Banneker Elem. School</b>
<b>June 16, 2025</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Milford Central Academy</b>
<b>July 7, 2025</b>	<b>6:00 pm</b>	<b>Reorganization Meeting/Regular Meeting</b>	<b>Milford High School</b>
<b>July 21, 2025</b>	<b>7:30 am</b>	<b>Regular Meeting</b>	<b>Milford District Office</b>
<b>August 4, 2025</b>	<b>7:30 am</b>	<b>Regular Meeting</b>	<b>Milford District Office</b>
<b>August 18, 2025</b>	<b>6:00 pm</b>	<b>Regular Meeting</b>	<b>Milford Middle School</b>

**Board Approved: 5/20/24**

MILFORD SCHOOL DISTRICT  
Milford, Delaware 19963

POLICY

5112

**THREAT ASSESSMENT**

The Milford School District Board of Education is committed to protecting its students, employees, and members of the community. It is essential that districtwide violence prevention be in place to foster a learning environment that promotes a culture of safety, respect, trust, and social/emotional support, while also protecting students and staff from conduct that poses an actual or perceived threat to self or others. The threat assessment policy shall be interpreted and applied consistently with all applicable state and federal laws, and all Board approved collective-bargaining agreements. This policy was developed in accordance with established research and recognized standards of practice recommended and offered by the Comprehensive School Safety Program (CSSP) of Delaware's Emergency Management Agency (DEMA). The recommended items from CSSP consists of the Safety and Wellness Suite which contains an anonymous reporting application with additional mental health resources, behavioral threat assessment (BTA), suicide risk assessment (SRA), and a case management system (CMS) for school settings.

**DEFINITIONS**

**A. Behavioral Threat Assessment (BTA):** A systematic process that is designed to identify situations/persons of concern, investigate, gather information, and assess and manage the situation to mitigate risk. Threat assessment is a prevention strategy based on a problem-solving approach to violence prevention.

**B. Behavioral Threat Assessment Team:** A school level team that shall include people with expertise in counseling, instruction, school administration, and law enforcement. Additional personnel with knowledge of the child or circumstances may also serve as members of the team.

**C. Comprehensive School Threat Assessment Guidelines (CSTAG):** An evidence-based, research backed set of guidelines for the comprehensive school threat assessment process created by Dr. Dewey Cornell. MSD school-based teams will be trained to assess and respond effectively to threats of violence.

**D. Threat:** A communication or behavior that indicates that an individual poses a danger to the safety of school staff or students through acts of violence or other behavior that would cause harm to self or others.

- a. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means.
- b. The communication and/or behavior is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat; observed by or communicated to a third party, and regardless of whether the target of the threat is aware of the threat.

**E. Imminent Threat:** An imminent threat exists when the person's behavior/situation poses a clear and immediate threat of serious violence toward self or others that requires prompt, immediate containment, and action to protect identified or identifiable target(s).

## ROLES AND RESPONSIBILITIES

A. The Chief Academic Officer shall ensure compliance with this policy.

B. Each school principal shall identify members of a threat assessment team that includes persons with expertise in counseling, instruction, school administration, and law enforcement. Members will be trained on the roles and responsibilities of each team member.

C. All school-based administrators and threat assessment team members must attend and complete mandatory district threat assessment trainings. Each mandatory team member shall report their completion of this requirement to their supervisor.

D. The district team must provide annual training and guidance to students, staff, and parents on recognizing behaviors of concern, their roles, and responsibilities in reporting the behavior, and the various options for submitting a report, including anonymous reporting through the district provided anonymous reporting application.

E. Each school principal must assign school-based staff members who can proactively monitor and respond to all incoming reports where safety is of concern.

F. Each threat assessment team must respond, within 24 hours when school is in session, to any report of a threat or any patterns of behavior that may pose a threat to self or others. If there is a threat to self, refer to the District's suicide prevention procedures as outlined in Board Policy 5111. If school is not in session, the school principal must immediately refer the matter to law enforcement for evaluation, and the threat assessment team must meet no later than the end of the first day school is back in session to consider the matter and ensure it is resolved. The team shall gather information regarding the specifics of the threat and/or behaviors that may pose a threat, including but not limited to details of the incident or threat, witness statements, and relevant artifacts.

G. When assessing a potential threat or concerning behavior, the threat assessment team must determine not only whether a threat has been made or communicated, but also if a person poses a danger to self and/or others or if they are potentially on a pathway to violence.

- For students deemed a threat to self, the threat assessment team must ensure the student's immediate safety, then activate the district's suicide prevention process as outlined in Board Policy 5111. A Threat Assessment team member will meet with the student and assess the severity of the risk following the suicide prevention policy guidelines and procedures.
- If the threat assessment team determines that a student poses a threat to others, the team is responsible for assessing the level of threat by conducting the District's threat assessment procedures outlined in the CSTAG Behavioral Threat Assessment.
- A Behavioral Threat Assessment should never be completed alone and should always have an administrator as an assessor as recommended by the CSTAG, U.S. Secret Service National Threat Assessment Center (NTAC), and American School Counselors Association (ASCA).
- The threat assessment team must coordinate resources to provide intervention to individuals whose behavior may pose a threat to the safety of school staff or students as outlined in the CSTAG BTA.
- The threat assessment team must plan for the implementation and monitoring of appropriate interventions to manage or mitigate the student's risk for engaging in violence thereby increasing the likelihood of positive outcomes.



- Interventions should remain in place until the team determines that the student is no longer in need of supports and does not pose a threat to self or others.

H. Threat assessment teams shall follow established procedures for referrals to school-based, community, and/or health care providers for mental health services, evaluation, and/or treatment.

- All threat assessment outcomes and recommendations must be reported to the school principal. The school principal will review the documentation for all threat assessments to ensure completeness and fidelity in the Electronic Case Management System.
- In addition, upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, the threat assessment team must immediately report its determination to school principal or his/her administrative designee. The student should not be left alone. Once the student is safely secured by school personnel. The principal or his/her administrative designee shall immediately attempt to notify the student's parent or legal guardian.
- If there is a threat to self, activate the district's suicide prevention procedures as outlined in Board Policy 5111.
- Nothing in this policy shall preclude school personnel from acting immediately to address an imminent threat. When an immediate threat to life or physical safety exists, an immediate notification to law enforcement is required.
- Nothing in this policy shall preclude the threat assessment team from notifying the school principal, his/her administrative designee, or the supervisor of any individual (other than a student) who poses a threat of violence or physical harm to self or others.

I. Threat assessment teams shall contact other known agencies or service providers involved with the student to share information and coordinate the necessary follow up. Any information from education records disclosed during this process shall be done in accordance with The Family Educational Rights and Privacy Act (FERPA) (34 CFR 99.31(10), 99.36).

J. If a student makes an imminent threat to a specific, identified victim, the administrative member of the Threat Assessment Team will notify the parent/guardian of the threatened/victim student in accordance with Duty to Warn standards (if applicable), ASCA Ethical Standards for School Counselors, and in accordance with FERPA which allows school officials, in an emergency, to disclose without consent, education records, including personally identifiable information from those records to protect the health or safety of students or other individuals. This exception is limited to the period of the emergency and generally does not allow for blanket release of personally identifiable information from a student's education records. Rather, disclosure must be related to an actual, impending, or imminent emergency such as a natural disaster, terrorist attack, a campus shooting, or the outbreak of an epidemic disease (FERPA 1974 34 CFR § 99.31 (a) (10) and § 99.36) <sup>1</sup>.

K. All District employees and volunteers are required to report to school administration any expressed threat(s) or behavior(s) that may represent a threat to the community, school, or self.

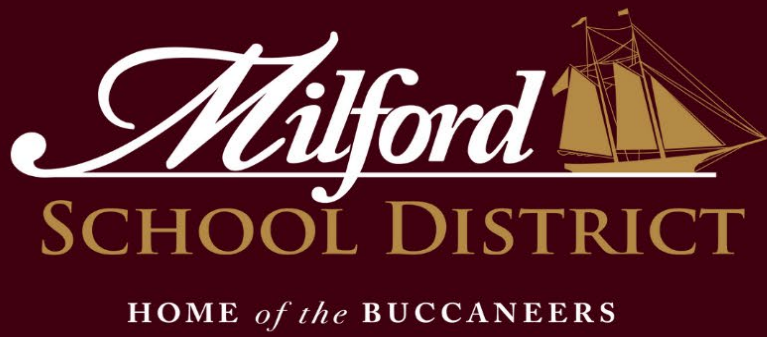
L. Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur as appropriate and required by law and school board policies.

M. The threat assessment team must consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts, or the severity of an act, that would pose a threat to school safety.

N. Based on the above criteria, if a student is facing possible expulsion, alternative placement, or suspension as a consequence of certain actions, the school should consider ways in which these can be safely enacted and identify resources that may assist the student during this time.

O. Threat Assessment records are considered education records and shall be maintained and released in accordance with FERPA and state statute. The threat assessment, its determination, along with any interventions provided, will be recorded in the appropriate electronic data system by the threat assessment team. Additionally, these records will be transferred pursuant to school board policy 5100.2.

ADOPTED: 6/17/24



# Milford School District Code of Conduct

**2024-2025**



**Milford School District**

906 Lakeview Avenue  
Milford, Delaware  
302-422-1600

**Milford School District Board Members**

Dr. Adam Brownstein  
Mr. Matt Bucher  
Mrs. Ashlee Connell  
Mr. Victor "Butch" Elzey  
Mr. Scott Fitzgerald  
Mrs. Jennifer Massotti  
Mrs. Jean Wylie

**District Administrators**

Dr. Bridget Amory, Superintendent  
Dr. Kelly Carvajal Hageman, Chief Academic Officer  
Dr. Sara Hale, Chief Operations Officer  
Ms. Laura Manges, Human Resources Director, Title IX Coordinator  
Dr. Jennifer Hallman, Director of Student Services  
Dr. Jessica Weller, Supervisor of Climate and Safety

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

REVISED: 5/24/99; 9/27/99; 5/22/00; 5/21/01; 6/24/02; 6/23/03; 6/24/04; 5/23/05; 6/26/06; 10/23/06; 1/29/07; 4/23/07; 7/9/07; 12/17/07; 05/19/08; 6/29/09; 4/26/10; 5/17/10; 8/23/10; 10/25/10; 2/28/11; 7/11/11; 1/23/12; 5/20/13; 4/29/14; 6/5/17; 8/1/22; 7/31/23; **5/20/24**

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## Chapter One: Introduction and Expectations

**INTRODUCTION** The Milford School District strives to provide a safe, drug-free, positive school climate that allows students to succeed. Schools must be free from disruptions that interfere with teaching and learning activities. Students, Parent(s)/Guardian(s), and school staff must assume a responsible role in creating a relationship as partners in the educational process of the students. By working together, a positive school environment that encourages the academic, social, and emotional development of all students can be achieved. With this in mind, the Milford School District Board of Education 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.

Students, Parent(s)/Guardian(s), and Staff are expected to become familiar with the entire contents of this document.

**WHAT IS THE STUDENT CODE OF CONDUCT?** The Student Code of Conduct is an official declaration of the Milford School District Board of Education which:

- Specifies the responsibilities and rights of students.
- Defines conduct that is expected to maintain a positive and safe learning environment.
- Provides standardized procedures for disciplinary action.
- Defines appeal procedures.
- Incorporates excerpts from State and Federal laws and regulations.

The Milford School District subscribes to the philosophy of progressive discipline and recognizes and expects teachers to use effective classroom management skills and strategies to handle classroom behaviors and disruptions. Those skills and strategies include, but are not limited to seat changes, proximity, reviewing and reteaching classroom and school expectations, conversations with student(s) (both with and without Parent/Guardian), calming area access, warnings, and time outs.

Therefore, each school administrator has the discretion to determine the necessary punitive action based upon the severity and/or regularity of each offense. Each school administrator (or designee) will select among the punitive action options outlined for each infraction in the student Code of Conduct. The consequences listed in this Code do not have to be used sequentially. The options listed below can be applied or not applied as discipline at the discretion of the specific Administrator, School Administrative team, and/or District Administrative team. Provisions in the Student Code of Conduct apply to all students Grades K-12. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. Students have a greater responsibility for their actions as they increase in age.

A copy of the Code of Conduct is sent home (email or paper) to each student upon school entry and is available on each school's web page. Orientation to the Code of Conduct is held in each school at the beginning of the school year whether in the classroom or an assembly.



**WHEN IS THE CODE OF CONDUCT APPLICABLE?** The following Discipline Code of Conduct applies:

- On school property prior to, during, and following regular school hours.
- On a school bus or at a designated school bus stop for any purpose. Infractions may result in removal from the bus.
- At all Milford School District sponsored events and other activities at which school administrators or staff have jurisdiction over students.
- Off school property resulting in criminal charges.

The Discipline Code of Conduct shall apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students and staff. Out-of-school conduct rising to this level of severity may result in an alternative placement or expulsion recommendation of up to/including 180 school days and shall include but is not limited to:

- Acts of violence, which are punishable by law.
- Sexual offenses, which are punishable by law.
- The sale, transfer, or possession of drugs and drug paraphernalia, which would constitute an offense punishable by law.
- Felony charges.

**STUDENTS WITH DISABILITIES:** An IEP team or Section 504 team meeting shall be conducted for students with a disability if disciplinary removal from school for more than ten (10) days, alternative placement, or expulsion is recommended. Ten (10) days can be consecutive or cumulative. The student's disability must be identified, as defined by Federal and State laws and regulations.

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

**SCHOOL ADMINISTRATION & IN LOCO PARENTIS RIGHTS:** The term *in loco parentis*, Latin for "in the place of a parent" refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent. Originally derived from British common law, it allows institutions such as colleges and schools to act in the best interests of the students as they see fit, allowing what would otherwise be considered violations of the students' civil liberties.

Delaware Code, Title 14 (Education), Chapter 7 (Lawful Authority of Teachers Over Pupils), § 701 (b) states: *While a student is entrusted in their care or supervision, public school teachers and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian or other person similarly responsible for the care and supervision of the student except as provided in § 702 of this title. The authority includes removing a student from a classroom or school-sponsored activity.*

**EXPECTATIONS:** The Code of Conduct serves as a reminder that our collective success is contingent upon the active engagement and collaboration of all stakeholders. We encourage students to embrace their roles as responsible learners and citizens of your school community. We invite parents to be active partners in your student's educational journey, supporting their growth, communicating openly with our staff, and reinforcing the portrait of a Buccaneer. School personnel will foster an environment that nurtures academic and personal growth. By working together and adhering to the following expectations, our schools will be safe, secure, equitable, and inclusive learning environments where all students can succeed.

### **STUDENTS ARE EXPECTED TO:**

- Conduct themselves in an orderly, safe, and responsible manner.
- Attend all classes daily and on time.
- Be prepared for class assignments and activities, with appropriate working materials
- Respect all persons and property.
- Refrain from using profanity, abusive language, or inflammatory or demeaning actions.
- Be responsible for their own work and behavior
- Abide by the rules and regulations set forth by the Milford School District.
- Accept, understand, and respect diversity and differences among fellow students and staff.
- Express feelings and needs in constructive, socially appropriate ways
- Seek changes and resolve differences in an orderly, peaceful, and approved manner.

### **PARENT/GUARDIANS ARE EXPECTED TO:**

- Keep in contact with the school concerning their child's progress and conduct.
- Maintain up-to-date home, cellular, work, and emergency contacts at the school.
- Ensure that their child maintains daily attendance and promptly report and explain an absence or tardiness to the school.
- Provide their child with resources needed to complete classwork and homework.
- Refrain from using profanity, abusive language, or inflammatory or demeaning actions.
- Bring to the attention of the school authorities any problem or condition which affects their child or other children of the school community.
- Discuss report cards and work assignments with their child.
- Attend Parent/Guardian/teacher conferences.
- Seek changes and resolve differences in an orderly, peaceful, and approved manner.

**CODE OF CONDUCT REVIEW:** The Milford School District Code of Conduct 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:

- A. Administrative, staff, student, and parent suggestions.
- B. Legal interpretation; and
- C. Annual Review

**STUDENT CONDUCT ON THE BUS:** Student safety is a top priority for the Milford School District. School bus drivers are considered school officials. Students are expected to follow the rules outlined in this Code of Conduct when riding District transportation. Activities for which a student may be on a bus include, but are not limited to, riding their assigned bus to and from school, activity buses, athletic buses, field trips, etc.

The bus and bus stops are an extension of the school; therefore, the Code of Conduct is enforceable on the bus and at bus stops. Students who do not follow safe procedures on the bus, or at the bus stop, will be subject to disciplinary action including suspension or denial of bus privileges as outlined in this Code of Conduct.

School Bus Drivers should take steps to organize and promote a safe school bus environment. Drivers and Principal/District Designee shall implement this policy in the manner specified. The implementation of this

policy is in compliance with Delaware State 14 DE Reg.1150 which requires the school district assume primary responsibility for student conduct.

Each school will be responsible for presenting the following Bus Safety Rules to all students in the District, including walkers. The purpose of these presentations is to ensure students are aware of the bus safety rules, safe procedures while entering and exiting the school bus, and safe street crossing techniques, etc.

- Follow all directions from the Bus Driver/Bus Aid.
- Stay seated (bottom to bottom, back to back, book bag on your lap, facing forward.)
- No eating or drinking.
- Keep your hands and your feet to yourself and out of the aisle.
- All body parts belong inside the bus (hands, head, hair, feet, etc.)
- Talk quietly (no shouting, screaming, loud noises, etc.)
- Do not throw or toss objects inside or out of the bus.
- Keep your belongings inside your book bag.
- Do not touch emergency equipment (back and side door, roof hatches, first aid and body fluid kits, etc.)

Along with the Bus Safety Rules, the following regulations will assist with safety, prompt arrivals and departures of buses, and promote a positive atmosphere on the school bus. Violation of these regulations may result in disciplinary actions.

- Students must ride their assigned bus to and from their assigned stop. Switching buses without administrative permission is strictly prohibited.
- Students should be present and visible at their assigned stop ten (10) minutes before the assigned bus stop time. A bus will not be dispatched to pick up students who were not present on time.
- Students are not to leave the bus without the driver's permission, except on arrival at their regular bus stop or at school.
- Students should help keep the bus clean, sanitary, and orderly. Students will be held liable for damaging bus equipment and/or seats.
- The bus windows should not be opened without permission from the Bus Driver.
- Students are prohibited to use any tobacco, drugs or drug-like substances while on the bus. Students are required to follow Appendices F & G (Drug and Alcohol Policy and Tobacco and Vaping Policy) while utilizing District transportation.
- Students are not to use abusive language, profanity, obscene gestures, or spit on the bus.
- Students may not bring live animals (unless service animal outlined in 504 or IEP), balloons, glass containers, or skateboards on the bus.
- Athletic equipment, band instruments, or other school materials brought on the bus must fit between the student's legs and not be placed on the seat or in the aisle. This equipment is not to be used or played with while on the bus. If equipment has sharp edges or hooks it should be bagged properly in order to avoid potential injury to students or damage to the bus.
- Students are to enter the bus, immediately take their seats, and remain seated until the bus comes to a complete stop.
- Students are to conduct themselves in a manner that will not distract the driver. Distracting the driver puts everyone at risk.

### Safety Procedures for Boarding and Exiting the Bus

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

**Bus Discipline Referral Process:** The following steps should be implemented when carrying out Bus discipline:

- A. For any suspension from the bus, the Principal/District Designee must contact the Parent/Guardian prior to the suspension. If there is a loss of bus privilege, it will start no later than two (2) days after the school has notified the parents.
- B. An administrator or bus contractor can enact or prolong a bus suspension if the student presents a threat to the health, safety, or welfare of other students and staff provided that Parent contact has been made prior to the suspension.
- C. Infractions are cumulative regardless of offense type.
- D. If a student commits a series of related offenses on a bus trip, the offense with the highest penalty is to be chosen for action.
- E. After each five (5) day suspension there will be a mandatory meeting between the Parent/Guardian and district personnel to discuss next steps and expectations for student conduct. Alternate measures/ restricted privileges may be incurred.

Parent contact – Drivers and/or contractors are to make a reasonable attempt to contact parents prior to writing a bus referral. This effort should be documented on the referral form when necessary. A Principal/District Designee must notify the Parent/Guardian of any suspension or denial of riding privileges.

Contractor/Driver Meeting Request – Contractors and/or drivers may request a meeting with administration and parents of children in grades Pre-K-12 prior to writing a bus referral.

Consequences for bus violations of this Code of Conduct are listed in the following matrix. An Administrator may identify codes in this document not listed on this matrix. An Administrator may also utilize additional consequences as outlined in the Student Code of Conduct that are not listed in this matrix.

Code of Conduct Violation	First Offense	Second Offense	Third Offense	Subsequent
Abusive Language	DPC	OR-S1	OR-S3	OR-S5
Careless/Reckless Behavior	DPC	OR-S1	OR-S3	OR-S5
Criminal Mischief (Destruction of Bus Property)	OR-S5	OR-S5	OR-S5	OR-S5
Inappropriate Behavior	DPC	OS-S1	OR-S3	OR-S5

Intimidation/Inappropriate Behavior Disrespect Towards Staff	OR-S3	OR-S5	OR-S5	OR-S5
Intimidation/Inappropriate Behavior Disrespect Towards Student	OR-S1	OR-S3	OR-S5	OR-S5
Tobacco/Vaping Use	OR-S3	OR-S5	OR-S5	OR-S

DPC = Driver Makes Parent contact (Using District Behavior Contact Form/Phone)
OR-S1 Office Referral - Up to 1 Day Bus Suspension
OR-S3 Office Referral - Up to 3 Days Bus Suspension
OR-S5 Office Referral - Up to 5 Days Bus Suspension

## Chapter Two: Students 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.

Student motor vehicle use to school and in the school environment is a privilege extended by the School District to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession, or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, or drug paraphernalia, or weapon may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle, at the request of school authorities, may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

Additionally, in an effort to maintain a safe school environment, any and all Law Enforcement entities in our jurisdiction and Milford School District Administration will periodically conduct safety scans inside of Milford School District buildings. These scans will involve the use of trained K9 officers.

### **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 cell phones or electronic device which may be lost or stolen.

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

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

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

**STUDENT DEBT RESPONSIBILITIES:** Students are responsible to pay debts incurred during school. 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 may result in loss of participation in school sponsored functions. 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, Homecoming, Prom, and Commencement Ceremonies.

**STUDENT MOTOR VEHICLE RESPONSIBILITIES:** Driving to school is a privilege granted by the school administration. The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle or other conveyance. This presumption applies to any vehicle a student drives to school without regard to who owns the vehicle. Before a student brings a vehicle to school, or a school activity, he/she should carefully inspect the vehicle. If the vehicle is left unlocked or others are allowed to access your vehicle, the student who drove the vehicle to school remains responsible for items found in the vehicle. Students should follow the rules for driving/parking cars on school grounds as follows:

1. Register all vehicles with the office.
2. Park in designated spots only.
3. Obey the 15 M.P.H. speed limit.
4. Operate the vehicle in a safe manner.
5. Upon arrival at school, students shall go directly into the building.
6. Once on school grounds, students are not to drive off the property without administrative approval.
7. Administrative approval is required for students to be in the parking lot area when school is in session.

8. This is an unauthorized area for students during the school day.
9. No smoking on school grounds.
10. Students shall be on time for school.
11. Students must properly park in the designated student parking spaces.
12. Only junior or senior students who are legally permitted to drive without supervision may purchase registration to legally park/drive on school grounds. Students who disobey these rules may have their school driving/parking privileges suspended or revoked. Students who have unregistered vehicles, suspended or revoked driving privileges, or who park in unauthorized or other assigned spaces will be given disciplinary action in accordance with the Student Code of Conduct, and/or have their vehicle towed at the owner's expense. In addition, illegal conduct in a vehicle will be reported to law enforcement.

### **PERSONAL BELONGINGS RESPONSIBILITIES**

**SKATEBOARDS/ROLLERBLADES/WHEELED SHOES:** Students are not permitted to bring or use skateboards, rollerblades, or wheeled shoes on school property.

**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 device to school. Violators will receive disciplinary action in accordance with the Student Code of Conduct.

## **Chapter Three: Disciplinary Procedures for Violations of Student Code of Conduct**

**STUDENT DUE PROCESS RIGHTS:** Pursuant to Del. C. 14 § 600 – 616, All students must be informed of the violation(s) and the range of disciplinary actions that can accompany the violation(s). The Code of Conduct is available to all students and families on the Milford School District website (print versions are available upon request) and disseminated and explained to students on a yearly basis. 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:

- Informed of the allegation(s) against them, the conduct which forms the basis of the allegation(s), and explained the policy, rule, or regulation violated.
- Given an explanation of the evidence supporting the allegation(s) and an opportunity to present their side of the story, including any evidence, witnesses, or questions.

Parents are to be informed of incidents as soon as possible either by phone verbally or written notice. Reasonable efforts shall be made to include the allegedly offending student or Parent/Guardian in an investigation.

Students and their Parent/Guardian, as their representative, are afforded the right to appeal assigned discipline. A student appeal procedure is a mechanism by which a student may seek to remedy the situation where they feel they were not afforded due process, an incorrect consequence per the Code of Conduct was

given, there is insufficient evidence for the charge, and/or the incorrect charge was used. An appeal can be filed if a student has not been able to obtain a resolution in a less formal manner.

**Due Process Delay Provision:** A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.

**APPEAL PROCESS:** Pursuant to Del. C. 14 § 600 – 616, disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the following reasons:

- Inappropriate due process
- Incorrect consequence per the Code of Conduct
- Incorrect charge or charge not supported by substantial evidence

Upon initiation of the appeal process, penalties shall not be implemented until the student ceases or exhausts their appeal. This “stay-put” provision does not apply in the following cases:

- If the student is being suspended as a first step in the Alternative Placement process.
- If the student has been charged with a criminal offense for an act committed outside of school;
- If the Principal determines the act allegedly committed by the student is a threat to the health, safety, or welfare of the staff or other students in the building.

#### **APPEAL STEPS**

- If after an administrator or their designee meets with the student and/or parent during a conference (either in-person, virtual, phone call, or email correspondence) to discuss a Code of Conduct violation(s) and the disciplinary consequence; a student and/or Parent/Guardian who would like to appeal to the next level administrator, the student or Parent/Guardian must express their intent to appeal within 24 hours of the initial disciplinary action conference.
- The student and/or Parent/Guardian must put the reason for the appeal in writing within three (3) business days following the disciplinary outcome/action being appealed. The written request must identify what decision is being appealed and why to the appropriate level of administration. *If student is appealing the building Principal's disciplinary action or appeal decision it must go to the District level and start with the School Climate and Safety Supervisor.*
- Within three (3) business days of the written submission, the appeal will be decided upon by the next level administrator and addressed with the student and/or Parent/Guardian during a conference (either in-person, virtual, phone call, or email correspondence). A written determination shall be issued by the next level administrator who investigated the appeal within three (3) business days of receipt of the appeal and conference.
- A student/Parent/Guardian wishing to appeal the School's written determination must file a written appeal of that determination with the Supervisor of School Climate and Safety no later than three (3) business days from the date of receipt of the Principal's written determination.
- The Supervisor of School Climate and Safety (or designee) shall schedule a conference (either in-person, virtual, phone call, or email correspondence) to hear the appeal no later than five (5) business days following receipt of the notice of appeal and shall issue a written determination, in writing, no later than five (5) business days following the appeal conference.
- A student/Parent/Guardian wishing to appeal the Supervisor of School Climate and Safety's written determination must file a written appeal of that determination with the Superintendent's Office no later than three (3) business days from the date of receipt of the Supervisor of School Climate and Safety's written determination. The Superintendent or their designee will review the Supervisor of School



Climate and Safety's written determination and evidence and make a written decision within three (3) business days.

- The determination of the Superintendent's Office shall be the final decision of the school system. A copy of the Superintendent's Office final determination shall be sent to all involved parties no later than five (5) business days following the date of the Superintendent's written decision.

**SEVERITY CLAUSE:** The student Code of Conduct is not all-inclusive, and a student committing an act of misconduct not listed as a violation may be subject to disciplinary action at the authority of Superintendent or designee. Any behavior that necessitates a more severe disciplinary action shall be subject to the discretionary authority of the Superintendent or their designee.

**STATE OF DELAWARE BULLYING 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.

**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.

**ALTERNATIVE PLACEMENT:** Uniform Definitions for Student Conduct which may result in alternative placement or expulsion: Pursuant to 14 Del.C. §122(b) (26), this regulation provides uniform definitions for student conduct which may result in alternative placement or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the alternative placement or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in expulsion or an alternative placement. Please see Appendix C more information on the Alternative Placement Process or Expulsion procedures.

Legal definitions may be found at the following link:

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

A complete listing of all the Department of Education Discipline Codes at pertaining to Education can be viewed at the following link: <https://regulations.delaware.gov/AdminCode/title14/600/614.pdf>

## Chapter Four Code of Conduct Violations

### **S Codes: School Based Violations**

Parent/Guardian notification shall be completed per De regulation 616 at every level for all offenses. Prior to writing a referral, check the Individual Education Plan (IEP) for behavior goals.

This is not an exhaustive list of DOE Code of Conduct violations that can be used by the Milford School District. The interventions and consequences listed below shall be used progressively and not in sequential order. **Administrators have the authority to choose one or more consequences from the list of available interventions and consequences below for each infraction depending on the circumstances of the code of conduct violation.** Administration reserves the right to adjust the response level for any 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.

**S0301 Abusive Language:** Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar.

#### **Elementary Interventions**

**Offense 1** – Apology

**Offense 2** – Reflection, apology, Counseling referral

**Offense 3** – Counseling referral, Parent conference

**Offense 4** –Parent/Guardian PBIP meeting

#### **Elementary Consequences**

**Offense 1** - Warning, Up to 30 min time out

**Offense 2** – Up to 60 mins time out

**Offense 3** – Up to 2 hours' time out, alternative privilege or privilege restriction

**Offense 4** – Up to 1 day ISS, alternative privilege or privilege restriction, Mandatory Positive Behavior Intervention Plan Meeting

**Offense 5+** - Up to 2 days ISS, Mandatory Parent/Guardian PBIP meeting

#### **Secondary Interventions**

**Offense 1** – Apology

**Offense 2** – Educational module, Apology

**Offense 3** – Counseling referral, Parent conference

**Offense 4** –Parent/Guardian PBIP meeting

#### **Secondary Consequences**

**Offense 1** – ·Written/verbal reprimand, Classroom intervention, Up to 30 min time out, Detention

**Offense 2** - Written/verbal reprimand, Classroom intervention, Up to 1 period time out, Detention, Up to 1 Day ISS

**Offense 3** - Up to 2 detentions, Up to half day time out, Up to 2 Days ISS

**Offense 4** - Up to 3 Days ISS, Parent conference, Mandatory Parent/Guardian PBIP meeting

**Offense 5+** - Up to 5 Days ISS, 1 Day OSS, Mandatory Parent/Guardian PBIP meeting

**S0141 Academic Cheating/Plagiarism:** To be dishonest, deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving, or receiving answers, test questions, work results, or projects, or the use of artificial intelligence without disclosure. Use of cell phones during an assessment is classified as academic cheating. Plagiarism, the adoption, or reproduction of original creations of another author without due acknowledgement, is considered academic cheating.

<p><b><u>Elementary Interventions</u></b>  <b>Offense 2</b> – Teacher conference  <b>Offense 3</b> –Counseling referral, Parent conference  <b>Offense 4</b> – Student Support Team referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> - Warning, Up to 30 min time out, redo assignment, Parent contact  <b>Offense 2</b> – Up to 60 mins time out, redo assignment  <b>Offense 3</b> – Up to 2 hours' time out, alternative privilege or privilege restriction  <b>Offense 4</b> – Up to ½ day time out, Alternative privilege or privilege restriction, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - Up to 1 day ISS, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1</b> – Apology  <b>Offense 2</b> – Educational module, Apology  <b>Offense 3</b> – Counseling referral, Parent conference  <b>Offense 4</b> –Parent/Guardian PBIP meeting</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> – Written/verbal reprimand, Classroom intervention, to 30 min time out, Detention  <b>Offense 2</b> - Written/verbal reprimand, Classroom intervention, Up to 1 period time out, Up to 2 Detentions, Up to 1 Day ISS, privilege restriction  <b>Offense 3</b> - Up to 3 detentions, Up to half day time out, Up to 2 Days ISS  <b>Offense 4</b> - Up to 3 Days ISS, Up to 2 days OSS, Parent conference, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - Up to 5 Days ISS, 3 Days OSS, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>Attorney General's Report: S0161 – Off Campus Only/S0162 – CDAP:</u></b> Juvenile Arrest Warrant and Complaint – the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for health, safety, and welfare of others, including but not limited to acts of violence, weapons offenses, and Drug offenses.</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1+</b> – Counseling referral, Outside service referral, Education modules</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1 +</b> Up to 5 days ISS/OSS, Parent/Guardian PBIP meeting, OSS pending Alternative Placement Process</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1+</b> – Counseling referral, Outside service referral, Parent/Guardian PBIP meeting</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1+</b> - Up to 5 Days OSS, OSS Pending Alternative Placement Team Meeting</p>
<p><b><u>S0272 Breaking and Entering:</u></b> The unauthorized entry of any locked area of the School Environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets, and vehicles.</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1</b> - Parent contact, Reflection  <b>Offense 2</b> - Teacher Conference, Reflection, Counseling referral, Parent Conference  <b>Offense 3+</b> - Student Support Team referral, Outside services referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> - Up to half day time out, Privilege restriction Up to 1 day ISS, Up to 1 day OSS  <b>Offense 2</b> - Up to 1 day ISS, Up to 1 day OSS, PBIP meeting  <b>Offense 3+</b> - Mandatory Parent/Guardian PBIP meeting</p>

<p><b><u>Secondary Interventions</u></b>  <b>Offense 1</b> – Reflection, Apology, Education module, Counseling referral  <b>Offense 2+</b> - Outside services referral</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> - Up to 5 days ISS, Up to 5 days OSS, Police Referral  <b>Offense 2+</b> Up to 5 days OSS, Police Referral, Mandatory Parent/Guardian PBIP meeting, OSS pending Alternative Placement Process</p>
<p><b><u>S0107 Careless and Reckless Behavior:</u></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: hair pulling, pinching, pushing, or tripping, running, slamming, or kicking doors, throwing objects, etc.</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference  <b>Offense 4</b> - Counseling referral  <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> – Written/Verbal Reprimand, Up to 60 min Timeout, Privilege Restriction,  <b>Offense 2</b> – Up to 60 min Time out, Detention, Up to 1 Day ISS, Parent Conference, Mandatory Parent/Guardian PBIP meeting  <b>Offense 3</b> – Up to half day Time out, Up to 3 days ISS, Up to 1 day OSS, Parent Conference, Mandatory Parent/Guardian PBIP meeting  <b>Offense 4</b> – Up to 3 days ISS, Up to 2 days OSS, Parent Conference, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference  <b>Offense 4</b> - Counseling referral  <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> - Written/Verbal Reprimand, Up to half day Time out, Detention, 1 day ISS, Parent Conference  <b>Offense 2</b> - Up to 3 detentions, Up to 2 days ISS, Parent Conference  <b>Offense 3</b> - Up to 3 days ISS, Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting  <b>Offense 4</b> - Up to 5 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - 5 Days OSS Parent meeting to return, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>S0312 Cell Phone Violation:</u></b> Cell phones must be secured and out of sight unless the teacher and/or school official has given permission.</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1-2</b> – Apology, Reflection, Parent contact, Educational modules, Parent contact  <b>Offense 3+</b> - Teacher Conference, Counseling referral, Outside service referral, Student Support Team referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> - 30 min Timeout  <b>Offense 2</b> – Up to 1 hour Timeout  <b>Offense 3</b> – Up to 2 hours' Time out, Privilege Restriction  <b>Offense 4</b> – Up to 1 day ISS, Restrict/Provide alternative class activities, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - Up to 2 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>Secondary Interventions</u></b></p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> – Written/verbal reprimand, Detention</p>

<b>Offense 1-2</b> – Reflection, Parent Conference, Educational modules, Counseling referral <b>Offense 3+</b> - Student Support Team referral, Outside service referral	<b>Offense 2</b> – Up to 1 period Timeout, Written/verbal reprimand, Detention, Up to 1 day ISS <b>Offense 3</b> – Up to 2 detentions, Up to 2 days ISS, Parent conference <b>Offense 4</b> – Up to 3 days ISS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting
<b>S0108 Consensual Sexual Misconduct:</b> Consensual sexual act(s) between two individuals within the school environment	
<u><b>Elementary Interventions</b></u> <b>Offense 1+</b> - Counseling referral, Educational Module, Outside services referral	<u><b>Elementary Consequences</b></u> <b>Offense 1-</b> Up to 5 Days ISS, Up to 3 days OSS <b>Offense 2+</b> - Up to 5 Days OSS, OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> - Counseling referral, Educational Module, Outside services referral	<u><b>Secondary Consequences</b></u> <b>Offense 1-</b> Up to 5 Days ISS, Up to 3 days OSS <b>Offense 2+</b> - Up to 5 Days OSS, OSS pending Alternative Placement Process
<b>S0181 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 <b>S0082 Insubordination:</b> 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. This includes avoidance agreement contracts	
<u><b>Elementary Interventions</b></u> <b>Offense 1+</b> Reflection, Educational modules, Teacher/parent conference, Counseling referral, Outside service referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Up to 1 hour Time out, Up to 1 day ISS, Privilege restriction <b>Offense 2</b> – Up to half day Time out, Up to 2 days ISS, Up to 1 day OSS, Privilege restriction Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> – Reflection, Educational modules, Teacher/parent conference, Counseling referral, Outside service referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Up to 2 detentions, Up to 1 day ISS <b>Offense 2</b> – Up to 3 detentions, Up to 2 days ISS, Up to 2 days OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - OSS pending Alternative Placement Process

<b>S0340 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><u>Elementary Interventions</u></b> <b>Offense 1+</b> – Warning, Apology, Educational modules, Counseling referral, Outside services referral	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> – Up to 2 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting <b>Offense 2</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 3+</b> - OSS pending Alternative Placement Process
<b><u>Secondary Interventions</u></b> <b>Offense 1+</b> – Warning, Apology, Educational modules, Counseling referral, Outside services referral	<b><u>Secondary Consequences</u></b> <b>Offense 1</b> – Up to 3 days ISS, Up to 3 days OSS, Parent/Guardian PBIP meeting <b>Offense 2</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 3+</b> -OSS pending Alternative Placement Process
<b>S0091 Disruption of Educational Process:</b> Behavior that causes disruption to the normal operation of the school	
<b><u>Elementary Interventions</u></b> <b>Offense 1+</b> Reflection, Educational modules, Teacher/parent conference, Counseling referral, Outside service referral	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> – Up to 1 hour Time out, Up to 1 day ISS, Privilege restriction <b>Offense 2</b> – Up to half day Time out, Up to 2 days ISS, Up to 1 day OSS, Privilege restriction Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - OSS pending Alternative Placement Process
<b><u>Secondary Interventions</u></b> <b>Offense 1+</b> – Reflection, Educational modules, Teacher/parent conference, Counseling referral, Outside service referral	<b><u>Secondary Consequences</u></b> <b>Offense 1</b> – Up to 2 detentions, Up to half day Time out, Up to 1 day ISS <b>Offense 2</b> – Up to 3 detentions, Up to 2 days ISS, Up to 2 days OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - OSS pending Alternative Placement Process
<b>S0291 Dress Code Violation:</b> Violation of Dress Code outlined in Milford School District Board Policy 5415.	
<b><u>Elementary Interventions</u></b> <b>Offense 1+</b> - Change clothes, Counseling referral, Teacher/Parent conference, Outside service referral	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> – Warning, Parent contact <b>Offense 2</b> - Parent contact, Written/verbal Reprimand, Up to 30 min Time out <b>Offense 3</b> – Up to 1 hour Time out, Privilege restriction,

	<b>Offense 4</b> – Up to half day Time out, Up to 1 day ISS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> Up to 2 days ISS, Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> - Change clothes, Parent contact, Counseling referral, Teacher/Parent conference, Outside service referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Written/verbal reprimand, Lunch/after school detention <b>Offense 2</b> – Written/verbal reprimand, Lunch/after school detention, Up to 1 period Time out <b>Offense 3</b> – Up to 2 detentions, Up to half day Time out, Parent conference <b>Offense 4</b> – Up to half day Time out, Up to 1 day ISS, Parent Conference <b>Offense 5+</b> - Up to 1 day ISS, Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting
<b>S0201 Failure to Report to Detention/Failure to Report for Disciplinary Action:</b> When assigned a consequence by a staff member and the student did not report as requested	
<u><b>Elementary Interventions</b></u> <b>Offense 1+</b> – Educational modules, Parent meeting, Counseling referral, Outside service referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Redo discipline assignment, Up to 2 days ISS, Up to 2 days OSS, Privilege restriction, Parent/Guardian PBIP meeting <b>Offense 2</b> – Up to 4 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting <b>Offense 3+</b> - Up to 5 days ISS, Up to 5 days OSS, Privilege restriction, Mandatory referral to Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> – Educational modules, Parent meeting, Counseling referral, Outside service referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Up to 3 days ISS, Up to 3 days OSS <b>Offense 2-3</b> – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Student activities/athletics suspension <b>Offense 4-5+</b> - OSS pending Alternative Placement Process
<b>S0321 – Falsification Verbal/ S0322 – Falsification Written:</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.	
<u><b>Elementary Interventions</b></u> <b>Offense 1</b> – Apology, Reflection, Student conference, Educational modules <b>Offense 2</b> – Counseling referral, Teacher/Parent conference <b>Offense 3+</b> - Outside service referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Detention, Up to half day Time out, Up to 1 day ISS, Privilege restriction <b>Offense 2</b> – Up to 2 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 3 days OSS, Mandatory Positive Intervention Plan meeting <b>Offense 5+</b> - Up to 5 days OSS, OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u>	<u><b>Secondary Consequences</b></u>

<b>Offense 1</b> – Apology, Reflection, Student conference, Educational modules <b>Offense 2</b> – Counseling referral, Teacher/Parent conference <b>Offense 3+</b> - Outside service referral	<b>Offense 1</b> – Up to 2 detentions, Up to 1 day ISS, Up to 1 day OSS <b>Offense 2</b> – Up to 2 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 3 days OSS, Mandatory Positive Intervention Plan meeting <b>Offense 5+</b> - Up to 5 days OSS, OSS pending Alternative Placement Process
<b>S0211 Failure to Provide Identity when Requested:</b> Failure to provide the proper given name to a staff member upon request.	
<u><b>Elementary Interventions</b></u> <b>Offense 1+</b> Reflection, Educational modules, Teacher/parent conference, Counseling referral, Outside service referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Up to 1 hour Time out, Up to 1 day ISS, Privilege restriction <b>Offense 2</b> – Up to half day Time out, Up to 2 days ISS, Up to 1 day OSS, Privilege restriction Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> – Reflection, Educational modules, Teacher/parent conference, Counseling referral, Outside service referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Up to 2 lunch/after school detention, Up to 1 day ISS <b>Offense 2</b> – Up to 3 lunch/after school detention, Up to 2 days ISS, Up to 2 days OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - OSS pending Alternative Placement Process
<b>S0241 Gambling:</b> Student participates in games of chance for money and/or other things of value.	
<u><b>Elementary Interventions</b></u> <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference <b>Offense 4</b> - Counseling referral <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> –Written/verbal reprimand, Up to 60 min Time out <b>Offense 2</b> – Up to half day Time out, Privilege restriction <b>Offense 3</b> – Up to 1 day ISS, Privilege restriction, Parent/Guardian PBIP meeting <b>Offense 4+</b> - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting
<u><b>Secondary Interventions</b></u> <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference <b>Offense 4</b> - Counseling referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> –Written/verbal reprimand, Up to 1 period Time out, Lunch/after school detention <b>Offense 2</b> – Up to half day Time out, Up to 1 day ISS <b>Offense 3</b> – Up to 2 days ISS, Parent/Guardian PBIP meeting



<b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral	<b>Offense 4+</b> - Up to 3 days ISS, Up to 2 days OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting
<b>S0101 Inappropriate Behavior:</b> Behavior which produces distractions and/or disturbances, which interferes with the effective functioning of a school employee, the student, or the class.	
<u><b>Elementary Interventions</b></u> <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference <b>Offense 4</b> - Counseling referral <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> –Written/verbal reprimand, Up to 60 min Time out <b>Offense 2</b> – Up to half day Time out, Privilege restriction <b>Offense 3</b> – Up to 1 day ISS, Privilege restriction, Parent/Guardian PBIP meeting <b>Offense 4+</b> - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting
<u><b>Secondary Interventions</b></u> <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference <b>Offense 4</b> - Counseling referral <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> –Written/verbal reprimand, Up to 1 period Time out, Detention <b>Offense 2</b> – Up to half day Time out, Privilege restriction <b>Offense 3</b> – Up to 3 days ISS, Up to 1 Day OSS, Privilege restriction, Parent/Guardian PBIP meeting <b>Offense 4+</b> - Up to 5 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting
<b>S0302 Instigation:</b> Behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals. Examples include taunting, recording with electronic device.	
<u><b>Elementary Interventions</b></u> <b>Offense 1</b> – Apology, Reflection, Student conference, Educational modules <b>Offense 2</b> – Counseling referral, Teacher/Parent conference <b>Offense 3+</b> - Outside service referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Detention, Up to half day Time out, Up to 1 day ISS, Privilege restriction <b>Offense 2</b> – Up to 2 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 3 days OSS, Mandatory Positive Intervention Plan meeting <b>Offense 5+</b> - Up to 5 days OSS, OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1</b> – Apology, Reflection, Student conference, Educational modules <b>Offense 2</b> – Counseling referral, Teacher/Parent conference <b>Offense 3+</b> - Outside service referral	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Up to 2 detentions, Up to 2 days ISS, Up to 1 day OSS <b>Offense 2</b> – Up to 3 days ISS, Up to 2 days OSS, Parent/Guardian PBIP meeting <b>Offense 3</b> – Up to 4 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4</b> – Up to 5 days ISS, Up to 5 days OSS, Mandatory Positive Intervention Plan meeting <b>Offense 5+</b> - Up to 5 days OSS, OSS pending Alternative Placement Process

**S0104 Intimidation/Inappropriate Behavior, Disrespect Towards a Staff Member:** Any action, attempt, and/or threat to do bodily harm to another individual and/or property.

**Elementary Interventions**

**Offense 1** – Apology, Reflection, Student conference, Educational modules

**Offense 2** – Counseling referral, Teacher/Parent conference

**Offense 3+** - Outside service referral

**Elementary Consequences**

**Offense 1** – Lunch/after school detention, Up to half day Time out, Up to 1 day ISS, Privilege restriction

**Offense 2** – Up to 2 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting

**Offense 3** – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting

**Offense 4** – Up to 5 days ISS, Up to 3 days OSS, Mandatory Positive Intervention Plan meeting

**Offense 5+** - Up to 5 days OSS, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1** – Apology, Reflection, Student conference, Educational modules

**Offense 2** – Counseling referral, Teacher/Parent conference

**Offense 3+** - Outside service referral

**Secondary Consequences**

**Offense 1** – Up to 2 detentions, Up to 1 day ISS, Up to 1 day OSS

**Offense 2** – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting

**Offense 3+** – Up to 5 days OSS, OSS pending Alternative Placement Process

**S0105 Intimidation/Inappropriate Behavior, Disrespect Towards a Student:** Behavior that interferes with another student having a safe school environment and/or any action or attempt or threat to do bodily harm to another individual and/or property

**Elementary Interventions**

**Offense 1-3** –Reflection, Parent contact, Educational modules, Teacher Conference

**Offense 4** - Counseling referral

**Offense 5+** - Counseling referral, Outside service referral, Student Support Team referral

**Elementary Consequences**

**Offense 1** - Lunch/after school detention, Up to half day Time out, Up to 1 day ISS, Privilege Restriction

**Offense 2** – Up to 2 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting, Privilege Restriction

**Offense 3** – Up to 3 days ISS, Up to 2 days OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting

**Offense 4+** - Up to 5 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting

**Offense 5+** - Up to 5 days OSS, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1-3** –Reflection, Parent contact, Educational modules, Teacher Conference

**Offense 4** - Counseling referral

**Offense 5+** - Counseling referral, Outside service referral, Student Support Team referral

**Secondary Consequences**

**Offense 1** – Up to half day Time out, 1 detention

**Offense 2** – Up to 1 day ISS, Up to 3 detentions

**Offense 3** – Up to 3 days ISS, Up to 1 day OSS Parent/Guardian PBIP meeting

**Offense 4** - Up to 5 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting

**Offense 5+** - Up to 5 days OSS, OSS pending Alternative Placement Process

**S0052 Leaving assigned area without permission:** Leaving classroom without permission from the teacher

<p><b><u>Elementary Interventions</u></b>  <b>Offense 1-3</b> –Reflection, Mandatory Parent contact, Educational modules, Teacher Conference  <b>Offense 4</b> - Counseling referral  <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> –Written/verbal reprimand, Up to 60 min Time out  <b>Offense 2</b> – Up to half day Time out, Privilege restriction  <b>Offense 3</b> – Up to 1 day ISS, Privilege restriction, Parent/Guardian PBIP meeting  <b>Offense 4+</b> - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1-3</b> –Reflection, Mandatory Parent contact, Educational modules, Teacher Conference  <b>Offense 4</b> - Counseling referral  <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> –Written/verbal reprimand, Up to 1 period Time out, Lunch/after school detention  <b>Offense 2</b> – Up to half day Time out, Privilege restriction  <b>Offense 3</b> – Up to 1 day ISS, Privilege restriction, Parent/Guardian PBIP meeting  <b>Offense 4+</b> - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting</p>
<p><b><u>S0051 Leaving School Grounds without permission:</u></b> Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student’s scheduled day.</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1</b> – Reflection, Mandatory Parent meeting, Educational modules  <b>Offense 2</b> – Counseling referral  <b>Offense 3+</b> - Outside service referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> – Written/verbal reprimand, Privilege restriction, Up to 2 hour Time out, Up to 1 day ISS  <b>Offense 2</b> – Up to half day Time out, Lunch/after school detention, Up to 2 days ISS  <b>Offense 3</b> – Up to 3 days ISS, Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting  <b>Offense 4</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - OSS pending Alternative Placement Process</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1</b> – Reflection, Parent meeting, Educational modules  <b>Offense 2</b> – Counseling referral  <b>Offense 3+</b> - Outside service referral</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> – Written/verbal reprimand, Lunch/after school detention, Up to half day Time out, Up to 1 day ISS  <b>Offense 2</b> – Up to 3 detentions, Up to 2 days ISS  <b>Offense 3</b> – Up to 3 days ISS, Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting  <b>Offense 4</b> – Up to 3 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting  <b>Offense 5+</b> - OSS pending Alternative Placement Process</p>
<p><b><u>S0071 Loitering/Out of Area/Misuse of Pass:</u></b> Student is present in any school area without authorization including student on school property before/after dismissal. Student is out of their assigned area during the school day, uses a hall pass in a way not intended by the issuer, or caught in a hall sweep of students tardy to class.</p>	
<p><b>Elementary Consequences:</b> Refer to S0052 Leaving assigned area without permission</p>	
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1</b> – Reflection</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> – Written/verbal reprimand, detention</p>

<b>Offense 2</b> - Apology, Reflection, Parent Conference, Educational modules, Counseling referral <b>Offense 3+</b> - Student Support Team referral, Outside service referral	<b>Offense 2</b> – Up to 1 period Timeout, Written/verbal reprimand, Lunch/after school detention, Up to 1 day ISS <b>Offense 3</b> – Up to 2 lunch/after school detentions, Up to 2 days ISS, Parent conference <b>Offense 4</b> – Up to 3 days ISS, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - Up to 1 day OSS, Mandatory Parent/Guardian conference
<b>S0181 Misuse of Technology/Acceptable Use Policy Notification Violation:</b> The use of school technology equipment in: Soliciting, using, receiving or sending pornographic or obscene material; or Accessing unauthorized email; or the unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment; or A situation in which a student deliberately: Tamper with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or in any way disrupts or degrades the school or District’s technology infrastructure. <a href="#">Technology Agreement - Milford School District</a>	
<b>Elementary Interventions</b> <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference <b>Offense 4</b> - Counseling referral <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral	<b>Elementary Consequences</b> <b>Offense 1</b> - 30 min Timeout <b>Offense 2</b> – Up to 1 hour Timeout <b>Offense 3</b> – Up to 2 hours’ Time out, Restrict/Provide alternative class activities, Privilege Restriction <b>Offense 4</b> – Up to 1 day ISS, Restrict/Provide alternative class activities, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - Up to 2 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting
<b>Secondary Interventions</b> <b>Offense 1-3</b> –Reflection, Parent contact, Educational modules, Teacher Conference <b>Offense 4</b> - Counseling referral <b>Offense 5+</b> - Counseling referral, Outside service referral, Student Support Team referral	<b>Secondary Consequences</b> <b>Offense 1</b> – Written/verbal reprimand, Lunch/after school detention <b>Offense 2</b> – Up to 1 period Timeout, Written/verbal reprimand, Lunch/after school detention, Up to 1 day ISS <b>Offense 3</b> – Up to 2 lunch/after school detentions, Up to 2 days ISS, Parent conference <b>Offense 4</b> – Up to 3 days ISS, Parent/Guardian PBIP meeting <b>Offense 5+</b> - Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting
<b>S0152 Reckless Burning:</b> When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.	
<b>Elementary Interventions</b> <b>Offense 1+</b> - Reflection, Counseling referral, Outside service referral, Educational modules	<b>Elementary Consequences</b> <b>Offense 1</b> – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Police/Fire Marshal notification, Restitution <b>Offense 2+</b> - OSS pending Alternative Placement Process, Police/Fire Marshal notification,
<b>Secondary Interventions</b>	<b>Secondary Consequences</b>

<b>Offense 1+</b> - Reflection, Counseling referral, Outside service referral, Educational modules	<b>Offense 1+</b> - OSS pending Alternative Placement Process, Police/Fire Marshal notification
<b>S0333 Repeated Violations of the Student Code of Conduct:</b> Five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.	
<b><u>Elementary Interventions</u></b> <b>Offense 1</b> - Counseling referral, Student Support team referral, Educational modules <b>Offense 2+</b> - Outside service referral, check in/out adult identified	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> - Up to 2 days ISS, Up to 2 days OSS, Privilege Restriction, Mandatory Parent/Guardian PBIP meeting <b>Offense 2</b> – Up to 4 days ISS, Up to 4 days OSS, Privilege restriction, Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 3</b> - OSS pending Alternative Placement Process
<b><u>Secondary Interventions</u></b> <b>Offense 1+</b> - Counseling referral, Outside service referral, student support team referral	<b><u>Secondary Consequences</u></b> <b>Offense 1</b> – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, OSS pending Alternative Placement <b>Offense 2+</b> - OSS pending Alternative Placement Process
<b>S0102 Safety Violation:</b> Any action that could endanger the safety and welfare of students, staff, or building	
<b><u>Elementary Interventions</u></b> <b>Offense 1</b> – Apology, Reflection, Educational modules, Teacher conference <b>Offense 2-3</b> – Parent/Guardian PBIP meeting, Counseling referral <b>Offense 4+</b> - Outside service referral	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> – Up to 30 min Time Out <b>Offense 2</b> – Up to 1 hour Time out <b>Offense 3</b> - Up to half day Time out, Up to 1 day ISS, Up to 1 day OSS, Privilege restriction <b>Offense 4</b> - Up to 3 days ISS, Up to 2 days OSS, Privilege Restriction, Mandatory Parent/Guardian PBIP meeting <b>Offense 5+</b> - Up to 5 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process
<b><u>Secondary Interventions</u></b> <b>Offense 1-</b> Reflection, Apology, Teacher conference, Educational modules <b>Offense 2+</b> - Counseling referral, Outside service referral	<b><u>Secondary Consequences</u></b> <b>Offense 1</b> – Up to 1 period Time out, 1 Lunch/after school detention <b>Offense 2</b> – Up to half day Time out, Up to 1 day ISS, 1 day OSS <b>Offense 3</b> – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4+</b> - Up to 5 days ISS, Up to 5 days OSS, OSS pending Alternative Placement Process
<b>S0041 Skipping Class:</b> Absence from a class for more than 10 minutes without authorization or approved reason. Students must have prior written approval from sending and receiving staff for arrangements to miss an assigned class to attend another class during that time.	
<b><u>Elementary Consequences:</u></b> Refer to S0052 Leaving assigned area without permission	
<b><u>Secondary Interventions</u></b> <b>Offense 1</b> – Educational modules, parent meeting	<b><u>Secondary Consequences</u></b> <b>Offense 1</b> – Written/Verbal reprimand, lunch/after school detention, Up to 1 period time out, Up to 1 day ISS

<b>Offense 2+ – Student Support Team referral, Counseling referral, check in/out adult identified</b>	<b>Offense 2 – Up to 3 detentions, Up to 2 days ISS</b> <b>Offense 3 – Up to 3 days ISS, Up to 1 day OSS, Parent/Guardian PBIP meeting</b> <b>Offense 4 – Up to 3 days ISS, Up to 2 days OSS, Parent/Guardian PBIP meeting</b> <b>Offense 5 – Up to 5 days OSS – Mandatory Parent/Guardian PBIP meeting</b>
<b>S0111 Stealing &lt;\$1500:</b> Taking, exercising control over, or obtaining property of another person intending to deprive that person of it or appropriate it	
<b>Offense 1 – Apology, Reflection</b> <b>Offense 2+ – Student conference, Parent conference, Educational modules, Counseling referral</b>	<b>Secondary Consequences</b> <b>Offense 1 – Up to 3 days ISS, Up to 3 Days OSS, Parent/Guardian PBIP meeting, Possible Police notification</b> <b>Offense 2 -3 – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible Police notification</b> <b>Offense 4-5+ – OSS pending Alternative Placement Process, Police notification</b>
<b>Secondary Interventions</b> <b>Offense 1 – Reflection, Apology, Counseling referral, Educational modules</b> <b>Offense 2+ – Outside service referral</b>	<b>Secondary Consequences</b> <b>Offense 1 – Up to 3 days ISS, Up to 3 days OSS, Parent/Guardian PBIP meeting, Possible Police notification</b> <b>Offense 2-3 – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible Police notification</b> <b>Offense 4-5+ – OSS pending Alternative Placement Process, Police notification</b>
<b>S0032 Tardy to Class:</b> Late to class without authorization or approved reason (every 3rd tardy).	
<b>Elementary Interventions</b> <b>Offense 1-3 –Reflection, Parent contact, Educational modules, Teacher Conference</b> <b>Offense 4 – Counseling referral</b> <b>Offense 5+ – Counseling referral, Outside service referral, Student Support Team referral</b>	<b>Elementary Consequences</b> <b>Offense 1 – 30 min Timeout</b> <b>Offense 2 – Up to 1 hour Timeout</b> <b>Offense 3 – Up to 2 hours' Time out, Restrict/Provide alternative class activities, Privilege Restriction</b> <b>Offense 4 – Up to 1 day ISS, Restrict/Provide alternative class activities, Mandatory Parent/Guardian PBIP meeting</b> <b>Offense 5+ – Up to 2 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting</b>
<b>Secondary Interventions</b> <b>Offense 1-3 –Reflection, Parent contact, Educational modules, Teacher Conference</b> <b>Offense 4 – Counseling referral</b> <b>Offense 5+ – Counseling referral, Outside service referral, Student Support Team referral</b>	<b>Secondary Consequences</b> <b>Offense 1 – Written/verbal reprimand, Lunch/after school detention</b> <b>Offense 2 – Up to 1 period Timeout, Written/verbal reprimand, Lunch/after school detention, Up to 1 day ISS</b> <b>Offense 3 – Up to 2 lunch/after school detentions, Up to 2 days ISS, Parent conference</b> <b>Offense 4 – Up to 3 days ISS, Mandatory Parent/Guardian PBIP meeting</b> <b>Offense 5+ – Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting</b>

**S0271 Trespassing/Remains Unlawfully on School Property:** Trespassing is when a student knowingly or unknowingly is in a Milford School District area without a legitimate purpose /permission

**Elementary Interventions**

**Offense 1+ –** Reflection, Apology, Student conference, Counseling referral, Outside services referral

**Elementary Consequences**

**Offense 1 –** Up to 5 days ISS, Up to 5 days OSS, Schedule change, Mandatory Parent/Guardian PBIP meeting, Alternative Placement Process Referral

**Offense 2 + -** Up to 5 days ISS, Up to 5 days OSS, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1+ –** Reflection, Apology, Student conference, Counseling referral, Outside service referral

**Secondary Consequences**

**Offense 1+ -** Up to 5 days OSS, Police notification, Mandatory Parent/Guardian PBIP meeting, Schedule change, Student activities/athletic suspension, OSS pending Alternative Placement Process

**S0311 Violation of Electronics, Communication, and Equipment Policy:** This includes but is not limited to tablets, radios, MP3 players, electronic games, beepers, CD players, lasers, camera, and all electronic equipment, etc.

**Elementary Interventions**

**Offense 1-3 –**Reflection, Parent contact, Educational modules, Teacher Conference

**Offense 4 -** Counseling referral

**Offense 5+ -** Counseling referral, Outside service referral, Student Support Team referral

**Elementary Consequences**

**Offense 1 -** 30 min Timeout

**Offense 2 –** Up to 1 hour Timeout

**Offense 3 –** Up to 2 hours' Time out, Restrict/Provide alternative class activities, Privilege Restriction

**Offense 4 –** Up to 1 day ISS, Restrict/Provide alternative class activities, Mandatory Parent/Guardian PBIP meeting

**Offense 5+ -** Up to 2 days ISS, Up to 2 days OSS, Mandatory Parent/Guardian PBIP meeting

**Secondary Interventions**

**Offense 1-3 –**Reflection, Parent contact, Educational modules, Teacher Conference

**Offense 4 -** Counseling referral

**Offense 5+ -** Counseling referral, Outside service referral, Student Support Team referral

**Secondary Consequences**

**Offense 1 –** Written/verbal reprimand, Lunch/after school detention

**Offense 2 –** Up to 1 period Timeout, Written/verbal reprimand, Lunch/after school detention, Up to 1 day ISS

**Offense 3 –** Up to 2 lunch/after school detentions, Up to 2 days ISS, Parent conference

**Offense 4 –** Up to 3 days ISS, Mandatory Parent/Guardian PBIP meeting

**Offense 5+ -** Up to 1 day OSS, Mandatory Parent/Guardian PBIP meeting

**S0131 Unsafe Item/S0314 Possession of Non-School Unsafe Items/Laser Pointer/Taser/Mace** The possession of any unsafe item not normally found in a school setting. Examples include utility knives, ice pick, lighter, pocketknife, scissors, and anything as deemed unsafe by the administration.

**Elementary Interventions**

**Offense 1+ -** Counseling referral, Outside service referral, Reflection, Parent/Guardian PBIP meeting, Educational modules, schedule change

**Elementary Consequences**

**Offense 1 –** Up to 2 days ISS, Up to 2 days OSS, privilege Restriction, Parent/Guardian PBIP meeting, Confiscation

	<p><b>Offense 2</b> – Up to 4 days ISS, Up to 4 days OSS, Privilege Restriction, Mandatory Parent/Guardian PBIP meeting, Confiscation</p> <p><b>Offense 3+</b> - Up to 5 days ISS, Up to 5 days OSS, Privilege Restriction, Mandatory Parent/Guardian PBIP meeting OSS pending Alternative Placement Process, Confiscation</p>
<p><b>Secondary Interventions</b></p> <p><b>Offense 1+</b> - Counseling referral, Outside service referral, Reflection, Educational modules, schedule change</p>	<p><b>Secondary Consequences</b></p> <p><b>Offense 1</b> – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible Police Referral, Confiscation</p> <p><b>Offense 2-3</b> – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible Police Referral, Confiscation</p> <p><b>Offense 4-5+</b> - OSS pending Alternative Placement Process, Police notification, Confiscation</p>
<p><b>S0121 Unsafe Driving: School Violation Code:</b> Students drive any vehicle on school property (or while under jurisdiction of school authority) with disregard for the safety of persons or property (including other forms of transportation). Includes, but not limited to, driving on the grass, failure to stop or excessive speed.</p> <p><b>S0122 Unsafe Driving: Parking Violation:</b> Student violates the school parking and driving agreement.</p>	
<p><b>Secondary Interventions</b></p> <p>Offense 1+ - Reflection, Educational modules, Parent/Guardian PBIP meeting</p>	<p><b>Secondary Consequences</b></p> <p><b>Offense 1</b> – Loss of driving privileges up to 5 days, Up to 3 days ISS, Up to 1 day OSS, Possible Police notification</p> <p><b>Offense 2</b> – Loss of driving privileges up to 1 month, Possible Police notification</p> <p><b>Offense 3</b> – Loss of driving privileges for 1 marking period, Up to 3 days OSS, Possible Police notification</p> <p><b>Offense 4+</b> - Loss of driving privileges for 180 days, Up to 5 days OSS, Possible Police notification</p>
<p><b>D Codes: Reportable to Department of Education</b></p> <p>Parent/Guardian notification shall be completed per De regulation 616 at every level for all offenses. Prior to writing a referral, check the Individual Education Plan (IEP) for behavior goals.</p> <p>This is not an exhaustive list of DOE Code of Conduct violations that can be used by the Milford School District. The interventions and consequences listed below shall be used progressively and not in sequential order. <b>Administrators have the authority to choose one or more consequences from the list of available interventions and consequences below for each infraction depending on the circumstances of the code of conduct violation.</b> Administration reserves the right to adjust the response level for any 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.</p>	
<p><b>D0701 Bullying/Cyberbullying *see policy.:</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:</p> <ol style="list-style-type: none"> <li>1. Placing a student, school volunteer, or school employee in reasonable fear of substantial harm to their emotional or physical well-being or substantial harm to their property; or</li> <li>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 a bully and the target; or</li> </ol>	



<p>3. Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or</p> <p>4. Perpetuating bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school volunteer, or school employee</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1+</b> – Reflection, Apology, Student conference, Counseling referral, Outside services referral</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> – Up to 5 days ISS, Up to 5 days OSS, Schedule change, Mandatory Parent/Guardian PBIP meeting, Alternative Placement Process Referral  <b>Offense 2 +</b> - Up to 5 days ISS, Up to 5 days OSS, OSS pending Alternative Placement Process</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1+</b> – Reflection, Apology, Student conference, Counseling referral, Outside service referral</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> - Up to 5 days OSS, Police notification, Mandatory Parent/Guardian PBIP meeting, Schedule change, Student activities/athletic suspension, OSS pending Alternative Placement Process  <b>Offense 2+</b> - OSS pending Alternative Placement Process</p>
<p><b><u>D0301 Criminal Mischief (Vandalism):</u></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 to endanger person or property.</p>	
<p><b><u>Elementary Interventions</u></b>  <b>Offense 1+</b> - Educational modules, Outside service referral, Counseling referral, Parent/Guardian PBIP meeting, Substance Abuse Counseling</p>	<p><b><u>Elementary Consequences</u></b>  <b>Offense 1</b> – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Parent/Guardian PBIP meeting, Referral to Alternative Placement Process  <b>Offense 2+</b> – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process</p>
<p><b><u>Secondary Interventions</u></b>  <b>Offense 1 +</b> - Counseling referral, Outside service referral, Reflection, Educational modules, Apology</p>	<p><b><u>Secondary Consequences</u></b>  <b>Offense 1</b> – Up to 3 days ISS, Up to 3 days OSS, Possible Police notification, Mandatory Parent/Guardian PBIP meeting  <b>Offense 2-3</b> – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible Police notification  <b>Offense 4-5+</b> - OSS pending Alternative Placement Process, Student activities/athletic suspension, Police notification</p>
<p><b><u>D0502 Drug Possession/Use/Influence</u></b>  <b><u>D0501 Alcohol Possession/Use/Influence:</u></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.  <b><u>D1301 Drug Paraphernalia:</u></b> “Drug paraphernalia” shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body.</p>	
<p><b><u>Elementary Interventions</u></b></p>	<p><b><u>Elementary Consequences</u></b></p>

<b>Offense 1+ -</b> Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling	<b>Offense 1 –</b> Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+ –</b> Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+ -</b> Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling	<u><b>Secondary Consequences</b></u> <b>Offense 1 –</b> Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Mandatory Substance Abuse Counseling, OSS pending Alternative Placement Process, Police notification <b>Offense 2+ -</b> Police notification, OSS pending Alternative Placement Process
<b>D0601 Felony Theft &gt;\$1500</b> 1. When a person takes, exercises control over, or obtains property of another person intending to deprive that person of it or appropriate it; or 2. 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.	
<u><b>Elementary Interventions</b></u> <b>Offense 1+ -</b> Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling	<u><b>Elementary Consequences</b></u> <b>Offense 1 –</b> Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+ –</b> Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+ -</b> Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling	<u><b>Secondary Consequences</b></u> <b>Offense 1 –</b> Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Mandatory Substance Abuse Counseling, OSS pending Alternative Placement Process, Police notification <b>Offense 2 + -</b> Police notification, OSS pending Alternative Placement Process
<b>D1101 Fighting:</b> Any aggressive physical altercation between two or more individuals.	
<u><b>Elementary Interventions</b></u> <b>Offense 1+ -</b> Educational modules, Reflection, Outside service referral, Counseling referral	<u><b>Elementary Consequences</b></u> <b>Offense 1 –</b> Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+ –</b> Up to 5 Days OSS, Privilege Restriction, OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+ -</b> Educational modules, Reflection, Student conference, Outside service referral, Counseling referral	<u><b>Secondary Consequences</b></u> <b>Offense 1 –</b> Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+ -</b> OSS pending Alternative Placement Process
<b>D1201 Inhalant Abuse:</b> Chemical vapors inhaled for their mind-altering effects.	
<u><b>Elementary Interventions</b></u>	<u><b>Elementary Consequences</b></u>

<b>Offense 1+</b> - Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling	<b>Offense 1</b> – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+</b> – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> - Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Mandatory Substance Abuse Counseling, OSS pending Alternative Placement Process, Police notification <b>Offense 2+</b> - Police notification, OSS pending Alternative Placement Process
<b>D1601 Medication: Inappropriate Possession and/or Use:</b> Possessing or using nonprescription medication or prescription drugs of any type in the School Environment in violation of 14 DE Admin Code 612	
<u><b>Elementary Interventions</b></u> <b>Offense 1+</b> - Educational modules, Outside service referral, Counseling referral, Parent/Guardian PBIP meeting, Substance Abuse Counseling, Turn into Nurse	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+</b> – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> - Educational modules, Outside service referral, Counseling referral, Substance Abuse Counseling, Turn into Nurse	<u><b>Secondary Consequences</b></u> <b>Offense 1</b> – Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Mandatory Substance Abuse Counseling, OSS pending Alternative Placement Process, Police notification <b>Offense 2+</b> - Police notification, OSS pending Alternative Placement Process
<b>D0802 Offensive Touching – Employee Victim:</b> Intentionally touching another person either with a member of their body or with any instrument knowing that the person is thereby likely to cause offense or alarm to such another person; or intentionally striking another person with saliva, urine, feces, or any other bodily fluid, knowing that the person is likely to cause offense or alarm to such other person. Unintentionally hitting school personnel attempting to break up a physical altercation	
<u><b>Elementary Interventions</b></u> <b>Offense 1+</b> - Outside service referral, Counseling referral	<u><b>Elementary Consequences</b></u> <b>Offense 1</b> – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+</b> – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+</b> - Outside service referral, Counseling referral	<u><b>Secondary Consequences</b></u> <b>Offense 1+</b> - Police notification, OSS pending Alternative Placement Process
<b>D0801 Offensive Touching – Student Victim:</b> Intentionally touching another person either with a member of their body or with any instrument knowing that the person is thereby likely to cause offense or alarm to such	

other person; or intentionally striking another person with saliva, urine, feces, or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1** – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process

**Offense 2+** – Up to 5 days ISS, Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1** – Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting

**Offense 2 +** - OSS pending Alternative Placement Process

**D0101 Pornography:** The possession, sharing, or production of any known obscene material in the School Environment.

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1** – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process

**Offense 2+** – Up to 5 days ISS, Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**D1001 Sexual Harassment:** Actions or statements that are sexual in nature including a person suggesting, soliciting, requesting, commanding, importunes, or otherwise attempts to induce another, which offend or defame the dignity or self-esteem of an individual, thereby likely to cause annoyance, offense, or alarm to that individual.

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1** – Privilege Restriction, Up to 3 days ISS, Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process

**Offense 2+** – Up to 5 days ISS, Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**D0401 Tampering with Public Records:** A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in, or falsely alters any original record or other written material filed with, deposited in, or otherwise constituting a record of a public office or public servant.

**Elementary Interventions**

**Elementary Consequences**

<b>Offense 1+ -</b> Educational modules, Outside service referral, Counseling referral, Substance abuse counseling	<b>Offense 1 –</b> Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2+ –</b> Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+ -</b> Educational modules, Outside service referral, Counseling referral, Substance abuse counseling	<u><b>Secondary Consequences</b></u> <b>Offense 1 –</b> Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting, Mandatory Drug Education Class, OSS pending Alternative Placement Process, Police notification <b>Offense 2 + -</b> Police notification, OSS pending Alternative Placement Process
<b>D2011 Teen Dating Violence:</b> Assaultive, threatening, or controlling behavior, including stalking as is defined in 11 Del.C. §1312 that one-person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both.	
<u><b>Secondary Interventions</b></u> <b>Offense 1+ -</b> Outside service referral, Counseling referral	<u><b>Secondary Consequences</b></u> <b>Offense 1+ -</b> Police notification, OSS pending Alternative Placement Process
<b>D0901 Terroristic Threatening – Student Victim:</b> A person threatens to commit any crime likely to result in death or serious physical injury, 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 physical injury	
<u><b>Elementary Interventions</b></u> <b>Offense 1+ Counseling</b> referral, Educational modules, Parent conference, Outside service referral	<u><b>Elementary Consequences</b></u> <b>Offense 1 -</b> Up to half day Time out, Privilege restriction, Up to 3 days ISS, Up to 1 Day OSS <b>Offense 2+ -</b> Privilege restriction, Up to 3 days ISS, Up to 1 Day OSS, Parent/Guardian PBIP meeting <b>Offense 3 –</b> Up to 5 days ISS, Up to 5 Days OSS, Mandatory Parent/Guardian PBIP meeting <b>Offense 4+ -</b> OSS pending Alternative Placement Process
<u><b>Secondary Interventions</b></u> <b>Offense 1+ Reflection,</b> Educational modules, Student conference, Counseling referral, Outside service referral	<u><b>Secondary Consequences</b></u> <b>Offense 1 –</b> Privilege restriction, Up to 3 days ISS, Up to 3 days OSS, Parent/Guardian PBIP meeting, Police notification <b>Offense 2 –</b> Up to 5 days ISS, Up to 5 days OSS, Parent/Guardian PBIP meeting, Police notification <b>Offense 3+ -</b> Up to 5 days OSS, OSS pending Alternative Placement Process
<b>D0902 Terroristic Threatening – Staff Victim/Security Threat:</b> A person threatens to commit any crime likely to result in death or serious physical injury. Or 2) a person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious physical injury. Security threat – when a person makes a false statement or statements 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	

<b><u>Elementary Interventions</u></b> <b>Offense 1+</b> - Outside service referral, Educational modules, Counseling referral	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Parent/Guardian PBIP meeting, Referral to Alternative Placement Process <b>Offense 2</b> – Up to 5 Days OSS, Privilege Restriction, OSS pending Alternative Placement Process
<b><u>Secondary Interventions</u></b> <b>Offense 1+</b> - Outside service referral, Educational modules, Counseling referral	<b><u>Secondary Consequences</u></b> <b>Offense 1+</b> - Police notification, OSS pending Alternative Placement Process
<b><u>D1401 Tobacco Possession and/or Use:</u></b> The use and/or possession of tobacco products on school property (this includes e-cigarettes/vape pens).	
<b><u>Elementary Interventions</u></b> <b>Offense 1+</b> - Educational modules, Cessation class, Counseling referral, Outside services referral	<b><u>Elementary Consequences</u></b> <b>Offense 1</b> – Up to 2 days ISS, Up to 1 day OSS, Parent contact required meeting, Privilege restriction, Parent/Guardian PBIP meeting <b>Offense 2</b> – Up to 4 days ISS, Up to 2 Days OSS, Parent contact required meeting, Privilege restriction, Parent/Guardian PBIP meeting <b>Offense 3+</b> - Up to 5 days ISS, Up to 5 Days OSS, Parent contact required meeting, Privilege restriction, Parent/Guardian PBIP meeting, OSS pending Alternative Placement Process
<b><u>Secondary Interventions</u></b> <b>Offense 1 +</b> - Educational modules, Cessation class, Counseling referral, Outside services referral	<b><u>Secondary Consequences</u></b> <b>Offense 1</b> – Up to 3 days ISS, Up to 3 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible loss of driving privileges <b>Offense 2-3</b> – Up to 5 days OSS, Mandatory Parent/Guardian PBIP meeting, Possible loss of driving privileges Re-entry meeting <b>Offense 4-5+</b> -OSS pending Alternative Placement Process, Student Activities/Athletic Suspension, Loss of Driving Privileges
<b><u>C Codes: Criminal Codes reported to law enforcement and Department of Education</u></b> Parent/Guardian notification shall be completed per De regulation 616 at every level for all offenses. Prior to writing a referral, check the Individual Education Plan (IEP) for behavior goals.  This is not an exhaustive list of DOE Code of Conduct violations that can be used by the Milford School District. The interventions and consequences listed below shall be used progressively and not in sequential order. <b>Administrators have the authority to choose one or more consequences from the list of available interventions and consequences below for each infraction depending on the circumstances of the code of conduct violation.</b> Administration reserves the right to adjust the response level for any 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..	
<b><u>C0134 Arson 1<sup>st</sup> – C0133 Arson 2<sup>nd</sup>:</u></b> A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.	
<b><u>Elementary Interventions</u></b>	<b><u>Elementary Consequences</u></b>

<b>Offense 1+ - Outside service referral, Counseling referral</b>	<b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b><u>Secondary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Secondary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b>C0107 – Assault 1<sup>st</sup>/C0106 – Assault 2<sup>nd</sup>/C0201 Assault 3<sup>rd</sup> Assault Staff or Student:</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 dangerous instrument	
<b><u>Elementary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Elementary Consequences</u></b> <b>Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Parent/Guardian PBIP meeting, Referral to Alternative Placement Process</b> <b>Offense 2+ – Up to 5 Days OSS, Privilege Restriction, OSS pending Alternative Placement Process</b>
<b><u>Secondary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Secondary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b>C0601-C0626 Criminal Deadly Weapon * See Appendix A:</b> Includes a “firearm”, as defined in paragraph (13) of this section, a bomb, a knife of any sort (other than an ordinary pocket knife carried in a closed position), switchblade knife, Billy, blackjack, bludgeon I, metal knuckles, slingshot, razor, bicycle chain, ice pick, or any “dangerous instrument”, as defined in paragraph (5) of this section, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocket knife shall be a folding knife having a blade not more than 3 inches in length.	
<b><u>Elementary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Elementary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b><u>Secondary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Secondary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b><u>Criminal Drug Offense C0701 – Prescription Drug C0702 – Cocaine/Powder Substance C0703 – Marijuana C0704 – Look-Alike Drugs:</u></b> The Commission by a student of the unlawful possession, distribution, or use of alcohol, a drug-like substance, and/or drug paraphernalia.	
<b><u>Elementary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Elementary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b><u>Secondary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Secondary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b><u>Dangerous Instrument C0621-C0623 *See Appendix A:</u></b> The Commission by a student of an offense prohibited by 11 Del.C. 1442 through 1458 inclusive (BB-guns are not considered a dangerous instrument see C0616). 11. Del.C. 22 dangerous instrument means any instrument, article, or substance which, under	

the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury or any disabling chemical spray as defined in paragraph (8) of this section or any electronic control devices by not limited to a neuromuscular incapacitation device designed to incapacitate a person

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**C0141 Extortion:** Compels or induces another person to deliver property to the person or to a Third person by means of instilling in the victim a fear that, if the property is not so delivered, the defendant or another will cause physical injury to another or cause damage to property (11. Dec. C., 846)

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**C0151 Hate Crime:** Victimizing a person with a crime(s) when motivated by hostility to the victim as a member of a group (as one based on color, creed, gender, or sexual orientation).

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**C0122-C0125 Rape or Attempted Rape:** Sexual intercourse or attempted sexual intercourse without consent of the victim in both cases

**Elementary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Elementary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**Secondary Interventions**

**Offense 1+** - Outside service referral, Counseling referral

**Secondary Consequences**

**Offense 1+** - Police notification, OSS pending Alternative Placement Process

**C0301 Unlawful Sexual Contact II:** 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.

**Elementary Interventions**

**Elementary Consequences**



<b>Offense 1+ - Outside service referral, Counseling referral</b>	<b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>
<b><u>Secondary Interventions</u></b> <b>Offense 1+ - Outside service referral, Counseling referral</b>	<b><u>Secondary Consequences</u></b> <b>Offense 1+ - Police notification, OSS pending Alternative Placement Process</b>

## Appendix A: Glossary

**Alternative Placement Process:** A process that begins at the conclusion of an administrative investigation, as result of a severe or repetitive Code of Conduct violation(s) listed within the Code of Conduct in which a Principal is requesting a referral for Alternative Placement for the student after the administrative investigation is complete. An Alternative Placement Team Meeting will take place to determine if any alternative setting is appropriate for the referred student. The Alternative Placement Team will decide on whether to assign a student to an Alternative Placement Program. If a Parent/Guardian chooses to appeal the Alternative Placement Decision, the appeal must be in writing to the Superintendent's office no later than 5 business days following the Alternative Placement Team Meeting. This process must adhere to Delaware Regulations Administrative Code: Title 14 Education: Section 600 School Climate and Discipline, Section 611 Consortium Discipline Alternative Programs for Treatment of Severe Discipline Problems, Section 613 Uniform Procedures for Processing Attorney General's Reports, Section 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion, and Section 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings.

**Alternative Program:** A school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

**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 an Alternative Placement Team 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.

**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.

**Building Level Conference:** A meeting which is held by phone or in person between the Principal, other appropriate school staff members as determined by the Principal, a student and a student's Parent to discuss the student's misconduct relative to a recommendation for Suspension, Alternative Placement, or Expulsion.

**Business Day:** A day in which schools are open with Administration present.

**Counseling referral:** A referral to the School Counselor, Wellness Center, or Outside Counseling Agency.

**Crime:** Includes a felony, misdemeanor or violation defined in the Delaware Code, as well as behavior of a person under 18 years of age which would be considered a felony, misdemeanor, or violation if it had been committed by an adult.

**Detention:** An established time when a student is detained in a supervised area. For Your Information (FYI) - Classroom system to document student information. Detention can be held during lunch or after school.

**Discipline Referral:** Formal documentation completed by the staff and returned to Administration with information about an incident or student behavior that occurred.

**Educational Module:** An individualized lesson educating a student on a social/emotional/behavioral competency regarding behavior that violates the Code of Conduct.

**Expulsion:** A disciplinary action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Whether the expulsion is a g e with or without educational services (including Alternative Placement), the expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

**In-School Suspension (ISS):** The removal of a student from their class for more than a half school day from the area indicated by the regularly assigned schedule.

**Multi-Tiered System of Support (MTSS):** Delaware Regulations Administrative Code: Title 14: Section 500 Curriculum and Instruction, Subsection 508 defines MTSS as a framework that is designed to meet the needs of the whole child through an integrated multi-level prevention system that optimizes team-based leadership and data-driven decision making to meet the academic and non-academic needs of all students. High quality core academic instruction and non-academic practices as universal supports to all children. Evidence-based intervention and support are matched to student needs and informed by ongoing progress monitoring and additional formative assessments.

**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.

**Out-of-School Suspension (OSS):** A form of short-term suspension that can be applied as a consequence for violating the Code of Conduct. The duration shall not be more than five (5) consecutive school days for any single conduct violation or ten (10) consecutive school days for a combination of violations which occurred during a single disciplinary incident. The student will still be responsible for class work and assignments during out-of-school suspension. The Superintendent or their designee shall have the right to temporarily extend a student's suspension beyond the ten (10) school day limit pending an Alternative Placement Process decision or Board of Education decision regarding a Discipline Hearing or other formalized disciplinary action hearing for the student. A student whose suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services. Educational services shall continue until the student's Alternative Placement Process decision has been rendered or the Board of Education decision regarding the student's expulsion hearing or other formalized Disciplinary Action hearing has concluded.

**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/Guardian Positive Behavior Intervention Plan (PBIP) meeting:** A conference that can occur via telephone, virtually, or in person with the Parent/Guardian, student, and school team. The purpose of the conference is to collaborate and create a detailed action or intervention plan outlining interventions, options, and/or steps for the student to be successful and avoid the accumulation of additional/repeat Code of Conduct violations. Interventions can include, but are not limited to change of class, time-outs, character education, check-ins, identification of trusted adult(s) [for the student to talk with in and out of school who can be reached if necessary], breaks, counseling plan, wellness plan, and identified goals. A Positive Behavior Intervention Plan will be created and agreed upon and signed by all parties at the conclusion of this meeting for the student's success.

**Police notification:** The notification to local law enforcement of an incident that occurred on school property during or after school hours that must be reported per Delaware law or Milford School District policy.

**Positive Behavior Intervention Plan (PBIP):** A collaborative plan between a student, their Parent/Guardian, and the school team (administrator, teacher, counselor, other staff member if needed) that identifies areas of growth and resources for the student to be successful in school. Failure to follow the intervention plan could result in a recommendation for further disciplinary action. In accordance with 14 Del. C. § 614, violation of an Intervention plan can be used as a basis for alternative placement or recommendation for expulsion.

**Principal's Probation:** A probationary period when a student is unable to attend or participate in any non-academic 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 Positive Behavior Intervention Plan.

**Privilege Restriction:** A consequence of losing/altering an in-school privilege, with parent agreement, or an extracurricular activity.

**Reflection:** An opportunity for a student to process their behaviors, regulate from dysregulation, and work with an adult (teacher, counselor, administrator) to find remedies to the code of conduct violation.

**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 Parent/Guardians who assist in school activities or chaperone school functions.

**Service Referral:** referral to Internal and/or external service providers. Examples include clothing closet, food bank, counseling, medical providers, state services.

**Student conference:** A meeting between two or more students to discuss the conflict and work out a resolution.

**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. SST input can be used to create the Positive Behavior Intervention Plan. School-Based Intervention Services should

include both short-term and long-term intervention strategies that include character education, short-term and or long-term counseling to improve behavior which impacts educational performance, and methods to identify the need to refer student for additional services within the District or to other agencies

**Time Out:** A temporary, supervised behavior management technique, which provides opportunities to regain emotional regulation. A student being removed from their regular setting for less than a half day is considered a time out.

**Transition 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, and outline the plan in a Positive Behavior Intervention Plan.

**Warning:** A verbal or written reprimand for a student after a discussion is had around the code of conduct violation.

## Appendix B: Weapons Code Definitions

**Criminal Deadly Weapon:** The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive. 11 Del. C. 222 defines “Deadly weapon” as: includes a “firearm”, as defined in paragraph (13) of this section, a bomb, a knife of any sort (other than an ordinary pocket knife carried in a closed position), switchblade knife, Billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any “dangerous instrument”, as defined in paragraph (5) of this section, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocket knife shall be a folding knife having a blade not more than 3 inches in length.

C0601-WO:1442 Concealed deadly weapon - handgun  
C0602-WO: 1442 Concealed deadly weapon – rifle, shotgun  
C0611-WO: 1442 Razor Blade/box cutter  
C0612-WO: 1457 Brass Knuckles, Bat, Club (Poss. Safe School Zone)  
C0613-WO: 1442 Brass Knuckles/Bat/Club  
C0614-WO: 1457 Pellet Gun (Poss. Safe School & Rec. Zone)  
C0615-WO: 1457 Starter Gun (Poss. Safe School & Rec. Zone)  
C0616-WO: 1457I B.B. Gun (Poss. Safe School & Rec Zone)  
C0617-WO: 1449 Wear Body Armor During Comm. Of Felony  
C0618 -WO:1457 Handgun (Poss. Safe School & Rec. Zone)  
C0619-WO: 1457 Rifle, Shotgun (Poss. Safe School & Rec. Zone)  
C0620-WO: 1457 Destructive weapon (Poss.  
C0624-WO: 1457 Unlaw. Dealing with Martial Arts Throw. Stars (Poss. Safe School and Rec Zone)  
C0625-WO: 1448 Poss. & Purchase of Deadly Weapons  
C0626-WO: 1457 Poss. & Purchase of Deadly Weapons (Poss. Safe School & Rec Zone)

**Dangerous Instrument:** The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive. (BB-guns are not considered a dangerous instrument see C0616). 11. Del.C. 222 dangerous instrument means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury or any disabling chemical spray as defined in paragraph (8) of this section or any electronic control devices but not limited to a neuromuscular incapacitation device designed to incapacitate a person.

C0621-WO: 1443 Dangerous Instrument  
C0622-WO: 1338 Explosives/Incendiary Device  
C0623-WO: 1453 Unlawfully Dealing with Martial Arts Throwing Stars

## APPENDIX C: ALTERNATIVE PLACEMENT PROCESS

A student may be assigned to an Alternative Program because of serious and/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 to the School Climate and Safety Supervisor for Alternative Placement:

A. For any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district school Student Code of Conduct and the student's behavior is within the defined conduct under Regulation 600-616.

B. In conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment.

C. In conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school based best practice interventions have been put into place for said student.

**Alternative Placement Process:** The following procedures shall be followed by Administrators when investigating a code of conduct violation that could result in a referral for alternative placement/expulsion in accordance with 14. Del. C. § 616:

A. The Principal/Designee shall conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action. This investigation shall be complete within 3 school days of the incident.

B. If the preliminary investigation verifies that disciplinary action may be warranted, initial due process procedures shall be followed:

- a. The student had prior opportunity to be informed in accordance with the established student code of conduct rules and/or regulations.
- b. Administrator shall inform the student, orally and in writing within three days at completion of the administrative investigation, the allegations(s) against him/her, the conduct which forms the basis of the allegations(s), and the policy, rule, or regulation violated
- c. The student shall be given an explanation of evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence

**\* Due Process Delay Provision:** A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that as soon as practical Due Process is followed.

C. After the student has been afforded initial due process procedures, and if the Principal/Designee decides that disciplinary action will be taken, the student and Parent/Guardian shall be notified.

D. If the Principal/Designee decides that the disciplinary action should be a referral for an alternative placement/expulsion, the Principal/Designee shall follow due process explained in Chapter III and hold a Building Level Conference with the Parent/Guardian and the student. The conference shall be held by phone or in person. The Principal/Designee shall have at least one other person present to take notes during the

conference or shall have the conference audio recorded. The Principal/Designee shall explain to the parent and the student the purpose of the meeting is to inform them:

- a. of the referral for alternative placement/expulsion.
- b. that the student may be suspended pending the outcome of the Alternative Placement Team Meeting and
- c. of the procedures that will take place as follow up to the referral for alternative placement/expulsion.

#### **Alternative Placement Team Meeting**

A. The Principal/Designee will notify the School Climate and Safety Supervisor of the referral for alternative placement/expulsion once the decision is made to refer to Alternative Placement. An Alternative Placement Team Meeting will be scheduled and conducted pursuant to *14. Del. C. §616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings: 7.0 Assignment to Alternative Placement; 7.3 Alternative Placement Meeting for Districts/Charter Schools.*

B. An Alternative Placement Team Meeting shall take place to determine if an alternative setting is appropriate for a referred student. The meeting shall take place as soon as practical. A notice of the scheduled Alternative Placement Team Meeting shall be mailed to the Parent/Guardian at least five (5) business days before the meeting is to occur. A Parent/Guardian may sign a waiver to waive the five (5) business days prior to the meeting. The Alternative Placement Team includes: the Supervisor of School Climate and Safety who serves as the district representative, the building level administrator/designee, the student's parent (must be invited, but not required to attend), guidance counselor or school social worker.

C. If a decision is made to assign a student to an alternative placement, the District will notify the student/family verbally within one (1) business day of the decision. The District shall send a follow-up written notice within three (3) business days to the parent describing the circumstances which lead 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.

D. A student/Parent/Guardian wishing to appeal the Alternative Placement Team's written determination must file a written appeal of that determination with the Superintendent's Office no later than three (3) business days from the date of receipt of the Alternative Placement Team's written determination. The Superintendent or their designee will review the Alternative Placement Team's written determination and evidence and make a written decision within three (3) business days.

E. The determination of the Superintendent's Office shall be the final decision of the school system. A copy of the Superintendent's Office final determination shall be sent to all involved parties no later than five (5) business days following the date of the Superintendent's written decision.

#### **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 representatives 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.

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:** An expulsion may be requested as a form of discipline in the Alternative Placement Process. This level of discipline process must be approved by the Superintendent's office. Only the Board of Education may expel a student from school for violation of District Policy. 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 for up to 180 school days with services to be determined by the Milford School District Board of Education.

**Expulsion Process:** A Principal/designee may refer a student for Expulsion to the Supervisor of School Climate and Safety. A determination will be made to move forward with expulsion from long-term suspension alternative placement. The Superintendent's Office may at their discretion send an appeal of Alternative Placement Team Meeting to an Expulsion Hearing.

A. If the district moves forward with expulsion: An Expulsion Hearing would be scheduled no later than 3 days of district determination to move forward with the expulsion process. Due process for expulsion hearings per Regulation 600 would be initiated and followed. A third party hearing officer will hear the district and student and Parent/Guardian's evidence and create a Finding of Facts report and make a recommendation for placement that will be presented to the Milford School Board at the next scheduled Board Meeting. The hearing will be transcribed by a third party transcriber.

c. The Milford School Board shall vote on the finding of facts and recommendation of the third party Hearing Officer pursuant to 14. Del. C. §616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings; 10.0 Procedures for the Expulsion of Students.

## Appendix D: BULLYING AND CYBERBULLYING

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:

- A. Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being, or substantial damage to his or her property; or
- B. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions, or due to a power differential between the bully and the target; or
- C. Interfering with a student having a safe School Environment necessary to facilitate educational performance, opportunities, or benefits; or
- D. Perpetuating bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school volunteer or school employee.
- E. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which:

- a) interferes with a student's physical well-being; or
  - b) is threatening or intimidating; or
  - c) 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 16 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:

A. 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.

B. 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 administrator or designee.

C. 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 students or staff witnesses. e. Any actions taken in response.

D. Short, easy to use complaint forms can be obtained from the school administration or district office. (Appendix II – MSD Bullying Reporting Form)

E. The MSD Bullying Reporting Form may be completed on the school website and automatically sent to school administration.

F. Anyone may report bullying. A report may be made to any staff member.

G. Each administrator/designee will designate a person or persons responsible for responding to bullying complaints.

H. Every confirmed bullying incident will be recorded in the student information system, 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:

A. 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.

B. 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.

C. 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.

D. 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 schools 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 18 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**

A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action initiated under this policy provided there is sufficient school nexus.

B. This section does not apply to any person who uses data or computer software accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district policy and with the approval of the Superintendent.

**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.

## APPENDIX E: 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:

A. Written contact--suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.

B. Visual contact--sexually suggestive looks or gestures, displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.

C. 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.

D. 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.

E. 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:

A. 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.

B. 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.

C. 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.

D. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in A through C 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.

## **Appendix F: DRUGS AND ALCOHOL**

The Milford School District strives to:

A. Promote student awareness/education concerning the dangers of substance abuse in the schools.

B. Make known the availability of drug and alcohol counseling, rehabilitation, and student assistance programs.

- C. Provide a fair and equitable framework for administering consequences to students who violate the policy.
- D. 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:

- A. Follow the Code of Conduct to administer consequences to students.
- B. Alert law enforcement of possible criminal violations.
- C. Turn over all substances and paraphernalia to law enforcement officials.
- D. Request analysis of the substance if necessary.
- E. 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.
- F. 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.
- G. 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.

## Appendix G: TOBACCO AND VAPING PRODUCTS

The Milford School Board of Education recognizes that tobacco and vaping products, including 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 a tobacco 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:** The Superintendent or designee may develop administrative regulations to implement this policy. 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. 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.

## Appendix H: 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**

**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.

**Organized Aggressive Group:** any group that acts 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.

**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:

- Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items that reflect membership in or affiliation with any gang or aggressive group.
- Engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation with any gang or aggressive group.
- Engage in any act to further the interests of any gang or aggressive group, including, but not limited to:
  - Soliciting membership in, or affiliation with, any gang.
  - Soliciting any person to pay for "protection," or
  - threatening any person, explicitly or implicitly, with violence or with any
  - other illegal or prohibited act.
  - Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property.
  - Engaging in violence, extortion, or any other illegal act or other violation of school policy.
  - Soliciting any person to engage in physical violence against another 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. Record all relevant actions, interactions, reports, and rumors.
- 2) **INTERVENTION:** When sufficient documentation has accumulated, confirmed by School Climate and Safety Department:
  - 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:** 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.



This policy is intended to work in conjunction with the Bullying Policy found in Appendix D in this document.

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.

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 the School Board and local law enforcement authorities for further action.

## **Appendix I: UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM**

Milford School District schools 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:** 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.

The District will accept Unsafe School Student Transfer Option Applications for fifteen school days following the date of the notification mailing. Applications for in-coming kindergarten students will be accepted through the first day of the new school year.

Parents will have the option to transfer to another district school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.

Transfers of students will occur within 30 school days of Department of Education notification to the District. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.

A corrective action plan will be developed and filed with the Department of Education within 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:** 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.

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.

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.

DRAFT

**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, ~~cell phone~~, weapon, stolen property, unsafe item, or dangerous instruments in the School Environment.

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

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

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

### DEBTS

Refusal to pay for lost, damaged, stolen school property or services rendered by a school program such as, but not limited to, field trip fees, food, transportation, or other services related to classes, student activities, and athletics. 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 ~~downloaded from~~ 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		
Offense	Description	Action:
<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>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>Offense 2 - Teacher:</b> •Up to 60 minutes Individual Reflection Time in School (in classroom)
<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>Offense 3 - Admin:</b> •Up to 2 hrs. In-School Individual Reflection Time •Restrict or Provide Alternate Class Activities •Loss of Privilege(s)
<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>Offense 4 - Admin:</b> •School Suspension/In-School - up to 1 day •Restrict or Provide Alternate Class Activities
<b>Dress Code Violation</b>	Violation of Dress Code outlined in Milford School District Board Policy 5415.	•Mandatory Behavior/Support Contract
<b>Failure to Obey Safety Procedures</b>	Student does not obey safety procedures as outlined by school officials.	<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
<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>		

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. <del>Use of cell phone during an assessment is classified as cheating.</del> 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	Action:
<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.	<b>Offense 1- Teacher:</b> <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> <b>Offense 2 - Admin:</b> <ul style="list-style-type: none"> <li>•Up to 3 hours of In School Reflection Time in School (in classroom)</li> <li>•Restrict or 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.	<b>Offense 3 - Admin:</b> <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>
<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.	<b>Offense 4+ - Admin:</b> <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>
<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>		

Category 2 – Page 2	
Leaving Assigned Area Without Permission	Leaving an assigned area without authorization.
Offensive Touching: Student Victim	Intentionally touching another person with a part of their body or an instrument knowing that it is likely to cause offense or alarm.
Stealing/Theft	Taking, exercising control over, or obtaining property of another person intending to deprive that person of it or appropriate it.
<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>	

Category 3 Discipline Offense Action Matrix		
Offense	Description	Action:
Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or a verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	<b>Offense 1 - Admin:</b> <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>Offense 2 - Admin:</b> <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> <b>Offense 3+ - Admin:</b> <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>
Discriminatory Behavior or Speech	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.	
Failure to Report or Perform Disciplinary Action	Student does not report for disciplinary action (such as ISS, detention, etc.) and/or fails to comply with disciplinary consequence. Student does not perform properly in ISS.	
Leaving School Grounds without Permission	Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student’s scheduled day.	
Tobacco and/or Drug Possession and/or Use	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.	
Unsafe Items	Items such as: utility knives, ice pick, lighter, pocketknife, scissors, fireworks, and anything that causes alarm or is as deemed unsafe by the administration.	
<i><b>*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.</b></i>		

### Category 4 Discipline Offense Action Matrix

Offense	Description	Action:
<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 •Mandatory Behavior/Support Contract •Central Review Committee Referral  <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
<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.	
<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.	
<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>		

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>	<ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
<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	
<b>Hate Crimes</b>	<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.</li> </ol> <p>For purposes of this section:</p> <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>
<b>Inappropriate Behavior: Consensual and/or Sexual Misconduct</b>	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.
<b>Offensive Touching (Employee)</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>Pornography: Possession and/or Production</b>	Possession, sharing, or production of any known obscene material in the School Environment.
<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

DELETED: 5/20/24



APPENDIX I:

Expulsion or Alternative School Placement Hearing Waiver

MILFORD SCHOOL DISTRICT  
REQUEST WAIVER OF EXPULSION HEARING

Student  
Name:

School:

Grade:

PLEASE CHECK ONE:

\_\_\_\_\_ I am the parent/legal guardian of \_\_\_\_\_; or

\_\_\_\_\_ I am the student, and I am eighteen years of age or older.

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

**APPENDIX II:  
Bullying Reporting Form**

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

Student \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

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

**Type of Incident (check all that apply):**

\_\_\_\_ Name calling

\_\_\_\_ Threatening

\_\_\_\_ Excluding (left out)

\_\_\_\_ Physical (Hit, kicked, punched)

\_\_\_\_ Cyber (online or text)

\_\_\_\_ Rumors

\_\_\_\_ Racial or demeaning comments

\_\_\_\_ Sexual Comments

\_\_\_\_ Stolen or damaged possessions

\_\_\_\_ Other: \_\_\_\_\_

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

\_\_\_\_ Hallway

\_\_\_\_ Classroom

\_\_\_\_ Bathroom

\_\_\_\_ Gym

\_\_\_\_ Locker Room

\_\_\_\_ Cafeteria

\_\_\_\_ Bus

\_\_\_\_ Bus stop

\_\_\_\_ School Trip

\_\_\_\_ Cyber (online or text)

\_\_\_\_ Other \_\_\_\_\_

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

\_\_\_\_ Teacher

\_\_\_\_ Counselor

\_\_\_\_ Dean

\_\_\_\_ Administrator

\_\_\_\_ Parent/Guardian

\_\_\_\_ Friend

\_\_\_\_ Other: \_\_\_\_\_

**Explain the incident:**

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

MILFORD SCHOOL DISTRICT  
Milford, Delaware 19963

POLICY

5417

**SCHOOL BUS CODE OF CONDUCT POLICY – GENERAL INFORMATION**

**Student Safety** – Student safety is a top priority for the Milford School District. School bus drivers are considered school officials and the bus is deemed an extension of the classroom. Students should observe classroom conduct when on the bus. Students who do not follow safe procedures on the bus will be subject to disciplinary action including suspension or denial of bus privileges as outlined in this policy.

**Parent Contact** – Drivers and/or contractors are to make a good faith attempt to contact parents prior to writing a bus referral. This effort should be documented on the referral form when necessary. A Principal/Designee must notify the parent/guardian of any suspension or denial of riding privileges.

**Contractor/Driver Meeting Request** – Contractors and/or drivers may request a meeting with administration and parents of children in grades Pre-K-12 prior to writing a bus referral.

**Implementation** – School Bus Drivers should take steps to organize and promote a safe school bus environment. Drivers and Principal/Designee shall implement this policy in the manner specified. The implementation of this policy is in compliance with Delaware State 14 DE Reg.1150 which requires the school district assume primary responsibility for student conduct.

The following items should be implemented when carrying out the Bus Code of Conduct:

- a. For any suspension from the bus, Principal/Designee must contact the parent/guardian prior to the suspension. If there is a loss of bus privilege, it will start no later than two (2) days after the school has notified the parents.
- b. An administrator can enact or prolong a bus suspension if the student presents a threat to the health, safety, or welfare of other students and staff.
- c. Infractions are cumulative regardless of offense type or category.
- d. If a student commits a series of related offenses on a bus trip, the offense with the highest penalty is to be chosen for action.

**Bus Referrals** – The Driver is responsible for maintaining discipline among all passengers. A discipline referral process is in place to support the Driver in this endeavor. Should a student commit a disciplinary infraction the Driver should:

- a. talk to the student initially to resolve the problem and issue a verbal warning if necessary.

- b. turn in a bus referral discipline form to the school's Principal/Designee within a timely manner.
- c. The Principal/Designee may also initiate a bus referral based on his/her investigation of a student complaint and/or parental/guardian concern regarding a bus discipline matter.
- d. Referrals will be returned to the driver/contractor within a timely manner.
- e. The school Principal/Designee reserves the right to increase the consequences based on the severity of the incident on the bus. Infractions are cumulative regardless of offense type or category.

### **Due Process**

Students must be afforded the following due process procedures:

- A. Given notice of charges to student
- B. Given explanation of evidence against student
- C. Student given opportunity to tell his/her version of the incident

**Transportation Review Committee** – This committee consists of a building administrator, school district transportation supervisor, and disciplinarian. The Transportation Review Committee may take any disciplinary action deemed appropriate including but not limited to a long-term suspension from the school bus and/or complete denial of bus privileges. In addition, the Transportation Review Committee may recommend to the Alternative Placement Team of each school for alternative placement, long-term suspension or expulsion in accordance with Delaware State Regulation 616.

**Return to School (PreK and Kindergarten Only)** – To provide safe transportation and ensure students of pre-kindergarten and kindergarten age are properly monitored, a parent/guardian or caregiver must be present when the student departs the bus.

For pre-kindergarten and kindergarten children to be released from the bus:

1. Parent/Guardian or caregiver must be at the bus stop, go to the bus door after the bus has stopped and opened the entrance door to receive his/her child. This way the bus driver can ensure that each pre-kindergarten and kindergarten student has a parent/guardian or caregiver present.
2. The bus driver may ask for the name of the child before releasing him/her. (At the start of school year or if there is a substitute driver)

In the event a parent/guardian is not present at the bus stop, the driver is required to notify the school and return children to school at the end of his/her route. School administrators should follow the list of consequences below. The consequences only apply to the bus transportation from school to home and not morning transportation.

- 1st Offense: A letter will be sent to the parent notifying him/her that the child was returned to school. The parent will be told that this is against district policy to not be present to receive his/her child. It will be explained to the parent that if this continues, transportation services can be discontinued.

- 2nd Offense: A letter will be sent to the parent notifying him/her that the child was returned to school for a second time. The parent will be told once again that this is against district policy to not be present to receive his/her child. It will be explained to the parent that if this infraction occurs again, a five school day bus suspension will occur.
- 3rd Offense: A letter will be sent stating that transportation services will be suspended for a period of 2 school days from school to home.
- 4th Offense: A letter will be sent notifying the parent/guardian that transportation services will be suspended for 5 school days from school to home.
- 5th Offense: Bus privileges suspended until Transportation Review Committee meeting. Services may be terminated for the remainder of the school year.

**Student Records** – All student offenses reported to the school shall be made a part of the student's discipline record. The bus referral process will start over at the beginning of each school year with exception to days suspended off the bus, which extend past the end of the school year and may be applied to the following school year.

## **Category 1 – Minor Offenses**

### **Minor Offense 1**

Issue verbal/written warning (Morris – applicable for offense 1 and 2)

### **Minor Offense 2**

Loss of bus privilege for one (1) school day

### **Minor Offense 3**

Loss of bus privilege for three (3) school days (Morris – one (1) day)

### **Minor Offense 4**

Loss of bus privilege for five (5) consecutive school days (Morris – min. of three (3) days)

Mandatory conference with Parent/Guardian and Principal/Designee

### **Minor Offense 5 or more**

Loss of bus privilege for ten (10) consecutive school days (Morris – min. of five (5) days)

Mandatory Transportation Review Committee meeting

Denial of bus privileges

Student will be automatically be referred to the Transportation Review Committee

## **Category 2 – Major Offenses**

### **Major Offense 1**

Loss of bus privilege for five up to (5) consecutive school days after mandatory parent notification (Morris – one (1) day)

Restitution

**Major Offense 2**

Loss of bus privilege for ten up to (10) consecutive school days after mandatory parent notification (Morris – min. of three (3) days)

Restitution

**Major Offense 3 or More**

Loss of bus privilege for fifteen (15) consecutive school days after mandatory parent notification (Morris – min. of five (5) days)

Restitution

Mandatory Transportation Review Committee meeting

**Category 3 – Serious Offenses / Law Violations**

**Serious Offense 1**

Loss of bus privilege for five (5) consecutive school days after mandatory parent notification (Morris – one (1) day)

Restitution

Mandatory Transportation Review Committee meeting

Police report

**Serious Offense 2 or more**

Loss of bus privilege for ten (10) consecutive school days after mandatory parent notification (Morris – min. of three (3) days)

Restitution

Mandatory Transportation Review Committee meeting

Police report

**Bus Code of Conduct Violations**

In accordance with Delaware State Regulation 1150 School Transportation 9.0 Pupil conduct on school buses, the following code violations will be used:

Offense	Category
Failure to obey bus driver's instructions	1
Failure to Obey Safety Procedures	1
Inappropriate conduct at bus stop	1,2
Improper boarding and departing procedures	1,2
Failure to remain seated in a forward position	1
Seated in driver's seat	1

Unauthorized use of bus windows	1
Throwing items inside of bus or out of bus window	1,2
Abusive language/Profanity	1, 2
Abusive Language to Driver/Profanity	2
Failure to maintain a clean, sanitary and orderly bus / Littering	1
Destruction of property	2
Horseplay and/or Reckless Play	1
Inappropriate Behavior	1,2
Inappropriate Sexual Behavior	2
Disruption	1
Disruption: Caused Driver to Stop Bus	2
Misrepresenting the Truth/Lying	1,2
Offensive Touching	1,2
Possession/Use of Unauthorized Comm/Electronic Device	1
Stealing/Theft	1,2
Tobacco possession/use including e-cigarettes and/or possession of matches/lighter	2
Unsafe Items	1,2
Attorney General's Report	3
Violent Felony	3
Assault III	3
Unlawful Sexual Contact III	3
Offensive Touching (Employee Victim)	3
Terroristic Threatening (Employee victim)	3
Deadly Weapons Offenses	3
Pornography: Possession and Production	3
Bomb Threats	3
Criminal Mischief (Vandalism)	3
Tampering With Public Records	3
Alcohol, Possession and Use	3

Felony Theft (\$1000 or more)	3
Bullying	3
Offensive Touching (Student Victim)	3
Terroristic Threatening (Student Victim)	3
Fighting/Disorderly Conduct	3
Use and/or Possession of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	3

NOTE: All Disciplinary Infractions listed in Policies #5404 and #5414 are applicable to transportation Code of Conduct for all students.

### **Student Appeal Process for Bus Code of Conduct**

All appeals should follow the appeal process as outlined in MSD Policy #5414 and #5404.

ADOPTED: 12/15/86; 7/20/87; 1/25/88; 7/11/88; 7/10/89; 7/9/90; 5/20/91; 6/3/91; 6/22/92; 7/12/93; 6/27/94; 11/28/94; 6/26/95; 6/24/96; 6/25/01; 6/20/05

REVISED: 5/24/99; 9/27/99; 5/22/00; 5/21/01; 6/24/02; 6/23/03; 6/24/04; 5/23/05; 6/20/11; 5/21/12; 4/20/15; 7/8/19

DELETED: 5/20/24



MILFORD SCHOOL DISTRICT  
Milford, Delaware 19963

POLICY

4335

**DONATED SICK LEAVE**

Pursuant to Del. Code, Title 14, §1318, the donated leave program allows one or more employees of a public school district ~~may to~~ transfer accrued, unused sick leave days to one or more other employees of the same public school district.

Any donated sick leave shall be required to comply with the following requirements:

1. ~~Employees wishing to donate accrued sick leave must donate~~ Donations must be in increments of whole days. ~~made available to recipients for a catastrophic illness of a recipient or of a member of a recipient's family. Any donated sick leave shall be required to comply with the following requirements:~~
2. For every two days donated, one will be made available to the recipient.
3. Donated days shall be made available only for recipients of a school district for catastrophic illness. ~~For purposes of this policy, catastrophic illness shall follow the definition set forth in Del. Code, Title 14, §1318A. or injury as diagnosed and by a physician rendering an employee or a member of an employee's family unable to work for a period greater than 5 calendar weeks.~~

~~In the case of a family member who does not work, the medical equivalent of "unable to work." Separate work periods of disability lasting 7 consecutive work days or more each, and totaling more than may accrue to the 5 calendar weeks period, resulting from the same or a related medical condition and occurring within any 12 month consecutive period, shall be considered the same period of disability.~~

4. ~~For this policy, family member is defined pursuant Del. Code, Title 14, §1318A. as an employee's spouse, son, daughter or parent who resides with the employee and who requires the personal attention of the employee during the family member's catastrophic illness.~~
5. The district will convert the donated leave available for use by a recipient into cash value at each donor's rate of pay, then shall re-convert the cash value to hours of leave at the recipient's rate of pay and shall then credit the recipient's donated leave balance. ~~one-half of the donor's contributed days to a cash value which will subsequently be reconverted to hours of leave based upon the recipient's rate of pay.~~

6. ~~The recipient of the donated leave shall have been an employee of Milford School District for at least 6 consecutive months to become eligible for donated leave time.~~ **The recipient of the donated leave shall have been an employee of Milford School District for at least 6 consecutive months to become eligible for donated leave time.**
7. Recipient must have used all **of their own accrued** sick and personal days and half of their annual leave to become eligible. However, when donated leave is for the catastrophic illness of a family member, the employee must have used all sick days, personal days, and annual leave.
8. ~~The recipient shall have established medical justification for such receipt, which must be renewed every 30 days during any absence.~~ **The recipient shall have established medical justification for such receipt, which must be renewed every 30 days during any absence.**
9. **No potential donor nor any other person shall sell any accrued leave which might otherwise be donated under this policy.**
10. ~~No individual can make a donation 6 months preceding retirement or resignation.~~
11. Recipient is entitled to the state share of salary only.
12. ~~Any recipient of donated leave is subject to a 1-work-year Cap on donated leave is over service span: with the number of days equal to 188 for 10 month-employees, 207 for 11 month employees individuals and 222 for 12 month employees.~~ **Any recipient of donated leave is subject to a 1-work-year Cap on donated leave is over service span: with the number of days equal to 188 for 10 month-employees, 207 for 11 month employees individuals and 222 for 12 month employees.**
13. ~~Donated leave relates to funding, while family leave is a category of leave, so there is an established relationship between the two.~~
14. The ~~Personnel~~ **Human Resources** Office will notify Milford School District staff via e-mail when an employee has requested Donated Leave and the number of days needed. The requesting employee's identity will remain anonymous unless the employee provides written authorization to disclose their name. Requesting employees may not solicit leave days via e-mail or public notice.

#### **ADDITIONAL CRITERIA:**

1. Cases relating to Worker's Compensation do not qualify.
2. Cases relating to Pension Disability do not qualify.

~~This policy complies with the parameters as set aside by Delaware Code Title 14 §1318A.~~

ADOPTED: 10/26/98

REVISED: 7/1/00; 6/23/03; **6/17/24**

MILFORD SCHOOL DISTRICT  
Milford, Delaware 19963

POLICY

5111

**SUICIDE PREVENTION**

The Milford School District (hereinafter referred to as “The District”) recognizes the serious problem of youth suicide and acknowledges that providing this policy for our schools related to youth suicide recognition and prevention is very important. The District also acknowledges that youth suicide is a complex issue, which cannot be addressed by the districts and schools alone. This Suicide Prevention Policy (“Policy”) meets the requirements of 14 Del C. § 4165, relative to suicide prevention.

**Suicide Prevention Training for Public School Employees**

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

**Suicide Prevention Program**

The District shall develop a Suicide Prevention Program. The components of the District’s Suicide Prevention Program may vary to address the needs of different grade levels. Each school shall establish a committee that is responsible for coordinating the suicide prevention program within the school. The committee may be comprised of at least the following school-based personnel: Administration, School Counselor, Mental Health Counselor if present within the school, Nurse, and other staff members as assigned. The committee shall meet throughout the school year to discuss topics such as training, programs, and other as it relates to Suicide Prevention. The Suicide Prevention Committee shall meet any of the requirements assigned in the Communication section of this policy.

**Procedure**

**I. Protocol for Responding to Reports of Possible Suicide Risks**

a. Procedure Regarding Response

- i. If an employee learns or observes that a student has threatened suicide, attempted suicide, expressed suicidal ideations, or demonstrated signs of being a suicide risk, the employee receiving the report will respond immediately, and accompany within his or her line of sight the student to a guidance counselor’s office where the student shall remain under the

supervision of a guidance counselor. If a guidance counselor is not present at arrival, the student shall similarly be accompanied to the nurse's office. If a nurse is not present at arrival, the student shall similarly be accompanied to the principal's office. The above shall apply regardless of the severity or sincerity of the threat.

- ii. Unless the building administration determines that the report of a potentially suicidal student was fabricated by a third person, the student is not to be alone in the school.
- iii. Unless the building administration determines that the report of a potentially suicidal student was fabricated by a third person, the student is not to be released from the line of sight of the principal, guidance counselor or nurse unless:
  - 1. The student is released into the care of law enforcement.
  - 2. The student is released into the care of a parent or guardian.
  - 3. The student is released into the care of an outside mental health agency; or
  - 4. The student is released into the care of the Delaware Division of Services for Children, Youth, and their Families.
- iv. Even if the building administration determines that the report of a potentially suicidal student was fabricated by a third person, the building administration shall contact the parent or guardian of the student within 24 hours and inform the parent or guardian of the report. Contact to the parent/guardian shall be documented via email and retained.

b. Procedure for Documenting Responses

- i. Any employee who, before the student is released in accordance with section (A)(1)(c) of this procedure, has reliable information that would lead a reasonable person to believe that a student has threatened suicide, attempted suicide, expressed suicidal ideations, or demonstrated signs of being a suicide risk shall prepare a report. The report shall be forwarded via email to the Director of Student Services and the Supervisor of School Climate and Safety as soon as possible/or within one business day.
- ii. The transmittal email shall be kept, documenting the incident, for three years.
- iii. The written report from the employee shall be reasonably specific as to actions giving rise to the report, and include:
  - 1. Persons involved, identifying all reporters, responders, the individual(s) into whose care the student was released, and the name of the student.
  - 2. Time and place of the incident.
  - 3. What gave rise to the incident; and

4. All actions taken.
  5. All reports made.
- c. Communications with Medical Professionals - School staff members shall make efforts to secure necessary consent to communicate with medical professionals who are involved in treating students for suicide issues.

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

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

### **Retaliation Restrictions**

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

### **Anonymity of Process**

Reports (as to self or other (student(s))) may be made anonymously or confidentially by students, if the reporting student so requests. Anonymous or confidential reports shall be acted upon in accordance with this policy.

ADOPTED: 12/21/15

REVISED: 6/17/24

MILFORD SCHOOL DISTRICT  
Milford, Delaware 19963

**POLICY 5415**

**K-12 SCHOOL DRESS CODE POLICY**

This dress code is applicable during the formal school day unless otherwise authorized by administration. The student code of conduct will be applied to any violations.

**Tops:**

Long or short sleeved cotton shirts, polos, sweatshirts, button downs, fleece, sweaters, or turtlenecks.

1. All shirts must have sleeves
2. School spirit wear (MSD, individual school, or college) permitted
3. Scarves, ties & bowties are acceptable

\* No tank tops, crop tops, or low-cut shirts

\* Students wearing approved hooded apparel must keep the hood down

\* No skin or undergarments should be visible between the waistband and the bottom of the shirt

**Bottoms:**

Solid colored pants, jeans, leggings, joggers, sweatpants, shorts, capris, skorts, skirts (no slits), jumpers or dresses.

1. Must be longer than the tip of the student's fingers in length
2. Clothing items must be worn at the natural waist.

**Footwear:**

Shoes, sneakers, boots, sandals, and flip-flops (secondary only)

1. Elementary students must wear closed-toed shoes that are appropriate for recess, outdoor activities and gym unless approved by administration.

**Prohibited:**

- \* No graphics
- \* No sheer/see-through materials
- \* No holes or frays where skin is visible underneath
- \* No depictions of violence, drug or alcohol use, or other illegal activities/references
- \* No tobacco/smoking/vaping pictures or references
- \* No obscene, vulgar, ethnically, culturally, or sexually offensive pictures or references
- \* No gang related references or identification
- \* No chains or spiked jewelry
- \* No hats, visors, bandanas, sunglasses, or other head coverings (except for religious practices)

ADOPTED: 5/16/11

REVISED: 7/11/11; 3/26/12; 4/19/16, 7/6/21, 8/22/22; 6/17/24

MILFORD SCHOOL DISTRICT  
Milford, Delaware 19963  
POLICY

6103

**CONTROVERSIAL/SENSITIVE ISSUES**

**Purpose:**

The Milford School District Board of Education believes that academic freedom is essential to the fulfillment of the purposes of the district, and they acknowledge the fundamental need to protect teachers Staff from censorship or restraint which might interfere with the performance of their teaching functions. The Board believes that education for effective citizenship is a major goal of the Milford School District. To achieve this goal, students should have an opportunity to examine controversial/sensitive issues within the context of the formal education experiences. Accordingly, it will be the purpose of this policy to establish guidelines within which District Staff and students can teach and learn about the instructional material rather than the issue. In the District, controversial/sensitive material is that material which, when introduced arouses strong reactions representing differing points of view. There are many subjects, which by the nature of contemporary society, are intrinsically controversial/sensitive.

**Definitions:**

**Staff:** The term "staff" includes all paid full-time, part-time, and substitute Staff and for these purposes' members of the Board of Education for the Milford School District

**Educational environment:** includes any and all activities in which students participate for which the District is responsible, including but not limited to:

1. The classroom environment and classroom materials and curriculum
2. All sports and sports related activities
3. Field trips
4. Extracurricular activities
5. The School Bus

**Policy:**

To assist MSD staff and students in handling controversial and/or sensitive issues the Board requires:

- A. All MSD Staff shall be responsible for providing students opportunities to investigate all sides of any topics and materials introduced or presented and shall be especially responsible for providing such opportunities regarding controversial/sensitive subjects. Such material must be relevant to the course of study, as defined in the course objectives, and be appropriate to the maturity level and intellectual ability of the students.

Separated paragraph

- B. ~~The teacher~~ All MSD Staff shall present and permit multiple viewpoints and the expression of the opinions of others. ~~and encourage students to examine, analyze, and evaluate all available information about such topics and materials so that each may form his/her own opinions.~~ Students shall be encouraged to examine, analyze, and evaluate all available information about such topics and materials so that each may form his/her own opinions. Teachers at all times shall strive to promote tolerance of the opinions of others and of the right of individuals to form and hold differing opinions.
- C. MSD Staff shall ensure that the learning environment is free of conduct or items that has a purpose of effect, intentionally or unintentionally, of substantially interfering with a student's performance in the educational environment.
- D. MSD Staff shall ensure that the learning environment is free of conduct or items that intentionally or unintentionally creates an intimidating, hostile, or offensive educational environment.
- E. ~~A teacher~~ MSD Staff shall deal with subject matter making current news relevant in the same manner as course material noted above.
- F. ~~A teacher~~ MSD Staff shall not use his/her position to further personal political aims.

ADOPTED: 11/18/74;

REVISED: 1/12/76; 7/19/82; 6/17/24