

Milford



SCHOOL DISTRICT

HOME *of the* BUCCANEERS



Milford School District Code of Conduct

2024-2025



Milford School District
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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.

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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 below 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 are 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/Guardian Contact – Drivers and/or contractors are to make a reasonable attempt to contact parent/guardian 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	OR-S3	OR-S5	OR-S5	OR-S5

Behavior Disrespect Towards Staff				
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/Guardian 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 in writing. 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/guardian 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 of designee. Any behavior that necessitates a more severe disciplinary action shall be subject to the discretionary authority of the Superintendent of 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, Teacher P/G conference
Offense 4 –PG 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 PG PBIP meeting

Secondary Interventions

Offense 1 – Apology
Offense 2 – educational module, Apology
Offense 3 – Counseling referral, Teacher P/G conference
Offense 4 –PG 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, P/G, Mandatory PG PBIP meeting
Offense 5+ - Up to 5 Days ISS, 1 Day OSS, Mandatory PG 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.

Elementary Interventions

Offense 2 – Teacher conference
Offense 3 – Teacher Conference, Counseling referral, Teacher P/G conference

Elementary Consequences

Offense 1 - Warning, Up to 30 min time out, redo assignment, parent contact
Offense 2 – Up to 60 mins time out, redo assignment

<p>Offense 4 – Student Support Team referral</p>	<p>Offense 3 – Up to 2 hours’ time out, alternative privilege or privilege restriction Offense 4 – Up to ½ day time out, Alternative privilege or privilege restriction, Mandatory PG PBIP meeting Offense 5+ - Up to 1 day ISS, Mandatory PG PBIP meeting</p>
<p>Secondary Interventions Offense 1 – Apology Offense 2 – educational module, Apology Offense 3 – Counseling referral, Teacher P/G conference Offense 4 –P/G PBIP meeting</p>	<p>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, Up to 2 Detentions, Up to 1 Day ISS, privilege restriction Offense 3 - Up to 3 detentions, Up to half day time out, Up to 2 Days ISS Offense 4 - Up to 3 Days ISS, Up to 2 days OSS, P/G, Mandatory PG PBIP meeting Offense 5+ - Up to 5 Days ISS, 3 Days OSS, Mandatory PG PBIP meeting</p>
<p>Attorney General’s Report: S0161 – Off Campus Only/S0162 – CDAP: 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>Elementary Interventions Offense 1+ – Counseling Referral, Outside Service Referral, education modules</p>	<p>Elementary Consequences Offense 1 + Up to 5 days ISS/OSS, PG PBIP meeting, OSS Pending Alternative Placement Process</p>
<p>Secondary Interventions Offense 1+ – Counseling Referral, Outside Service Referral, P/G PBIP meeting</p>	<p>Secondary Consequences Offense 1+ - Up to 5 Days OSS, OSS Pending Alternative Placement Team Meeting</p>
<p>S0272 Breaking and Entering: The unauthorized entry of any locked area of the School Environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets, and vehicles.</p>	
<p>Elementary Interventions Offense 1 - Teacher conference, P/G Contact, Reflection Offense 2 - Teacher Conference, Reflection, Counseling referral, P/G conference Offense 3+ - Student Support Team referral, Outside Services Referral</p>	<p>Elementary Consequences Offense 1 - Up to half day time out, Privilege restriction Up to 1 day ISS, Up to 1 day OSS Offense 2 - Up to 1 day ISS, Up to 1 day OSS, Positive Behavior Intervention Plan Offense 3+ - Mandatory PG PBIP meeting</p>
<p>Secondary Interventions Offense 1 – Reflection, Apology, Education Module, Counseling Referral Offense 2+ - Outside Services Referral</p>	<p>Secondary Consequences Offense 1 - Up to 5 days ISS, Up to 5 days OSS, Police Referral Offense 2+ Up to 5 days OSS, Police Referral, Mandatory PG PBIP meeting, OSS Pending Alternative Placement Process</p>

S0107 Careless and Reckless Behavior: Intentional/unintentional behavior that threatens to or causes personal injury or property damage. For example: shoving, horseplay, and reckless play including but not limited to: hair pulling, pinching, pushing, or tripping, running, slamming, or kicking doors, throwing objects, etc.	
<u>Elementary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Elementary Consequences</u> Offense 1 – Written/Verbal Reprimand, Up to 60 min Timeout, Privilege Restriction, Offense 2 – Up to 60 min Time out, Detention, Up to 1 Day ISS, P/G, Mandatory PG PBIP meeting Offense 3 – Up to half day Time out, Up to 3 days ISS, Up to 1 day OSS, P/G, Mandatory PG PBIP meeting Offense 4 – Up to 3 days ISS, Up to 2 days OSS, P/G, Mandatory PG PBIP meeting Offense 5+ - Up to 5 days OSS, Mandatory PG PBIP meeting
<u>Secondary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Secondary Consequences</u> Offense 1 - Written/Verbal Reprimand, Up to half day Time out, Detention, 1 day ISS, P/G Offense 2 - Up to 3 detentions, Up to 2 days ISS, P/G Offense 3 - Up to 3 days ISS, Up to 1 day OSS, Mandatory PG PBIP meeting Offense 4 - Up to 5 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting Offense 5+ - 5 Days OSS Parent meeting to return, Mandatory PG PBIP meeting
S0312 Cell Phone Violation: Cell phones must be secured and out of sight unless the teacher and/or school official has given permission.	
<u>Elementary Interventions</u> Offense 1-2 – Apology, Reflection, Parent Contact, Educational Modules, Parent Contact Offense 3+ - Teacher Conference, Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Elementary Consequences</u> Offense 1 - 30 min Timeout Offense 2 – Up to 1 hour Timeout Offense 3 – Up to 2 hours’ Time out, Privilege Restriction Offense 4 – Up to 1 day ISS, Restrict/Provide alternative class activities, Mandatory PG PBIP meeting Offense 5+ - Up to 2 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting
<u>Secondary Interventions</u> Offense 1-2 – Reflection, Teacher P/G conference, Educational Modules, Counseling referral Offense 3+ - Student Support Team referral, Outside Service Referral	<u>Secondary Consequences</u> Offense 1 – Written/verbal reprimand, Detention Offense 2 – Up to 1 period Timeout, Written/verbal reprimand, Detention, Up to 1 day ISS Offense 3 – Up to 2 detentions, Up to 2 days ISS, P/G Offense 4 – Up to 3 days ISS, Mandatory PG PBIP meeting Offense 5+ - Up to 1 day OSS, Mandatory PG PBIP meeting
S0108 Consensual Sexual Misconduct: Consensual sexual act(s) between two individuals within the school environment	
<u>Elementary Interventions</u>	<u>Elementary Consequences</u>

<p>Offense 1+ - Counseling Referral, Educational Module, Outside Services Referral</p>	<p>Offense 1- Up to 5 Days ISS, Up to 3 days OSS Offense 2+ - Up to 5 Days OSS, OSS Pending Alternative Placement Process</p>
<p>Secondary Interventions Offense 1+ - Counseling Referral, Educational Module, Outside Services Referral</p>	<p>Secondary Consequences Offense 1- Up to 5 Days ISS, Up to 3 days OSS Offense 2+ - Up to 5 Days OSS, OSS Pending Alternative Placement Process</p>
<p>S0181 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 S0082 Insubordination: 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</p>	
<p>Elementary Interventions Offense 1+ Reflection, Educational modules, Teacher P/G conference, Counseling referral, Outside service referral</p>	<p>Elementary Consequences Offense 1 – Up to 1 hour Time out, Up to 1 day ISS, Privilege restriction Offense 2 – Up to half day Time out, Up to 2 days ISS, Up to 1 day OSS, Privilege restriction PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting Offense 5+ - Oss pending Alternative Placement process</p>
<p>Secondary Interventions Offense 1+ – Reflection, Educational modules, Teacher P/G conference, Counseling referral, Outside service referral</p>	<p>Secondary Consequences Offense 1 – Up to 2 detentions, Up to 1 day ISS Offense 2 – Up to 3 detentions, Up to 2 days ISS, Up to 2 days OSS, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting Offense 5+ - Oss pending Alternative Placement process</p>
<p>S0340 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.</p>	
<p>Elementary Interventions Offense 1+ – Warning, Apology, Educational Modules, Counseling referral, Outside Services referral</p>	<p>Elementary Consequences Offense 1 – Up to 2 days ISS, Up to 1 day OSS, PG PBIP meeting Offense 2 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting Offense 3+ - OSS Pending Alternative Placement Process</p>
<p>Secondary Interventions Offense 1+ – Warning, Apology, Educational Modules, Counseling referral, Outside Services referral</p>	<p>Secondary Consequences Offense 1 – Up to 3 days ISS, Up to 3 days OSS, PG PBIP meeting Offense 2 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting</p>

	Offense 3+ -OSS pending Alternative Placement process
S0091 Disruption of Educational Process: Behavior that causes disruption to the normal operation of the school	
Elementary Interventions Offense 1+ Reflection, Educational modules, Teacher P/G conference, Counseling referral, Outside service referral	Elementary Consequences Offense 1 – Up to 1 hour Time out, Up to 1 day ISS, Privilege restriction Offense 2 – Up to half day Time out, Up to 2 days ISS, Up to 1 day OSS, Privilege restriction PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting Offense 5+ - OSS pending Alternative Placement process
Secondary Interventions Offense 1+ – Reflection, Educational modules, Teacher P/G conference, Counseling referral, Outside service referral	Secondary Consequences Offense 1 – Up to 2 detentions, Up to half day Time out, Up to 1 day ISS Offense 2 – Up to 3 detentions, Up to 2 days ISS, Up to 2 days OSS, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting Offense 5+ - OSS pending Alternative Placement process
S0291 Dress Code Violation: Violation of Dress Code outlined in Milford School District Board Policy 5415.	
Elementary Interventions Offense 1+ - Change clothes, Counseling referral, Teacher P/G conference, Outside Service referral	Elementary Consequences Offense 1 – Warning, Parent contact Offense 2 - Parent Contact, Written/verbal Reprimand, Up to 30 min Time out Offense 3 – Up to 1 hour Time out, Privilege restriction, Offense 4 – Up to half day Time out, Up to 1 day ISS, Privilege restriction, Mandatory PG PBIP meeting Offense 5+ Up to 2 days ISS, Up to 1 day OSS, Mandatory PG PBIP meeting
Secondary Interventions Offense 1+ - Change clothes, Parent Contact, Counseling referral, Teacher P/G conference, Outside Service referral	Secondary Consequences Offense 1 – Written/verbal reprimand, Lunch/after school detention Offense 2 – Written/verbal reprimand, Lunch/after school detention, Up to 1 period Time out Offense 3 – Up to 2 detentions, Up to half day Time out, P/G Offense 4 – Up to half day Time out, Up to 1 day ISS, P/G Offense 5+ - Up to 1 day ISS, Up to 1 day OSS, Mandatory PG PBIP meeting
S0201 Failure to Report to Detention/Failure to Report for Disciplinary Action: When assigned a consequence by a staff member and the student did not report as requested	

<p><u>Elementary Interventions</u> Offense 1+ – Educational modules, Parent meeting, Counseling referral, Outside service referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Redo discipline assignment, Up to 2 days ISS, Up to 2 days OSS, Privilege restriction, PG PBIP meeting Offense 2 – Up to 4 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory PG PBIP meeting Offense 3+ - Up to 5 days ISS, Up to 5 days OSS, Privilege restriction, Mandatory referral to Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ – Educational modules, Parent meeting, Counseling referral, Outside service referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 3 days ISS, Up to 3 days OSS Offense 2-3 – Up to 5 days OSS, Mandatory PG PBIP meeting, Student activities/athletics suspension Offense 4-5+ - OSS pending Alternative Placement process</p>
<p><u>S0321 – Falsification Verbal/ S0322 – Falsification Written:</u> This includes but is not limited to making something false for the purpose of deception or fraud, altering something for the purpose of deception, or using a false name or identification.</p>	
<p><u>Elementary Interventions</u> Offense 1 – Apology, Reflection, Student conference, Educational modules Offense 2 – Counseling referral, Teacher P/G conference Offense 3+ - Outside Service referral</p>	<p><u>Elementary Consequences</u> Offense 1 – 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, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG 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</p>
<p><u>Secondary Interventions</u> Offense 1 – Apology, Reflection, Student conference, Educational modules Offense 2 – Counseling referral, Teacher P/G conference Offense 3+ - Outside Service referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 2 detentions, Up to 1 day ISS, Up to 1 day OSS Offense 2 – Up to 2 days ISS, Up to 1 day OSS, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG 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</p>
<p><u>S0211 Failure to Provide Identity when Requested:</u> Failure to provide the proper given name to a staff member upon request.</p>	
<p><u>Elementary Interventions</u> Offense 1+ Reflection, Educational modules, Teacher P/G conference, Counseling referral, Outside service referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Up to 1 hour Time out, Up to 1 day ISS, Privilege restriction Offense 2 – Up to half day Time out, Up to 2 days ISS, Up to 1 day OSS, Privilege restriction PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting</p>

	Offense 5+ - Oss pending Alternative Placement process
Secondary Interventions Offense 1+ – Reflection, Educational modules, Teacher P/G conference, Counseling referral, Outside service referral	Secondary Consequences Offense 1 – Up to 2 lunch/after school detention, Up to 1 day ISS Offense 2 – Up to 3 lunch/after school detention, Up to 2 days ISS, Up to 2 days OSS, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory PG PBIP meeting Offense 5+ - Oss pending Alternative Placement process
S0241 Gambling: Student participates in games of chance for money and/or other things of value.	
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 – Written/verbal reprimand, Up to 60 min Time out Offense 2 – Up to half day Time out, Privilege restriction Offense 3 – Up to 1 day ISS, Privilege restriction, PG PBIP meeting Offense 4+ - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory PG 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, Up to 1 period Time out, Lunch/after school detention Offense 2 – Up to half day Time out, Up to 1 day ISS Offense 3 – Up to 2 days ISS, PG PBIP meeting Offense 4+ - Up to 3 days ISS, Up to 2 days OSS, Privilege restriction, Mandatory PG PBIP meeting
S0101 Inappropriate Behavior: Behavior which produces distractions and/or disturbances, which interferes with the effective functioning of a school employee, the student, or the class.	
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 – Written/verbal reprimand, Up to 60 min Time out Offense 2 – Up to half day Time out, Privilege restriction Offense 3 – Up to 1 day ISS, Privilege restriction, PG PBIP meeting Offense 4+ - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory PG PBIP meeting
Secondary Interventions Offense 1-3 – Reflection, Parent Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral	Secondary Consequences Offense 1 – Written/verbal reprimand, Up to 1 period Time out, Detention Offense 2 – Up to half day Time out, Privilege restriction Offense 3 – Up to 3 days ISS, Up to 1 Day OSS, Privilege restriction, PG PBIP meeting

<p>Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral</p>	<p>Offense 4+ - Up to 5 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory PG PBIP meeting</p>
<p>S0302 Instigation: Behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals. Examples include taunting, recording with electronic device.</p>	
<p>Elementary Interventions Offense 1 – Apology, Reflection, Student conference, Educational modules Offense 2 – Counseling referral, Teacher P/G conference Offense 3+ - Outside Service referral</p>	<p>Elementary Consequences Offense 1 – 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, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG 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</p>
<p>Secondary Interventions Offense 1 – Apology, Reflection, Student conference, Educational modules Offense 2 – Counseling referral, Teacher P/G Conference Offense 3+ - Outside Service referral</p>	<p>Secondary Consequences Offense 1 – Up to 2 detentions, Up to 2 days ISS, Up to 1 day OSS Offense 2 – Up to 3 days ISS, Up to 2 days OSS, PG PBIP meeting Offense 3 – Up to 4 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting Offense 4 – Up to 5 days ISS, Up to 5 days OSS, Mandatory Positive Intervention Plan meeting Offense 5+ - Up to 5 days OSS, OSS pending Alternative Placement Process</p>
<p>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.</p>	
<p>Elementary Interventions Offense 1 – Apology, Reflection, Student conference, Educational modules Offense 2 – Counseling referral, Teacher P/G Conference Offense 3+ - Outside Service referral</p>	<p>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, PG PBIP meeting Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG 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</p>
<p>Secondary Interventions Offense 1 – Apology, Reflection, Student conference, Educational modules Offense 2 – Counseling referral, Teacher P/G conference Offense 3+ - Outside Service referral</p>	<p>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 PG PBIP meeting Offense 3+ – Up to 5 days OSS, OSS pending Alternative Placement Process</p>

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, PG PBIP meeting, Privilege Restriction
Offense 3 – Up to 3 days ISS, Up to 2 days OSS, Privilege restriction, Mandatory PG PBIP meeting
Offense 4+ - Up to 5 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory PG PBIP meeting
Offense 5+ - Up to 5 days OSS, OSS pending Alternative Placement Process

Secondary Interventions
Offense 1-3 –Reflection, P/G 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, PG PBIP meeting
Offense 4 - Up to 5 days ISS, Up to 3 days OSS, Mandatory PG 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

Elementary Interventions
Offense 1-3 –Reflection, Mandatory 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 –Written/verbal reprimand, Up to 60 min Time out
Offense 2 – Up to half day Time out, Privilege restriction
Offense 3 – Up to 1 day ISS, Privilege restriction, PG PBIP meeting
Offense 4+ - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory PG PBIP meeting

Secondary Interventions
Offense 1-3 –Reflection, Mandatory 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, Up to 1 period Time out, Lunch/after school detention
Offense 2 – Up to half day Time out, Privilege restriction
Offense 3 – Up to 1 day ISS, Privilege restriction, PG PBIP meeting
Offense 4+ - Up to 2 days ISS, Up to 1 day OSS, Privilege restriction, Mandatory PG PBIP meeting

S0051 Leaving School Grounds: Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student’s scheduled day.

<p><u>Elementary Interventions</u> Offense 1 – Reflection, Mandatory Parent meeting, Educational modules Offense 2 – Counseling referral Offense 3+ - Outside Service referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Written/verbal reprimand, Privilege restriction, Up to 2 hour Time out, Up to 1 day ISS Offense 2 – Up to half day Time out, Lunch/after school detention, Up to 2 days ISS Offense 3 – Up to 3 days ISS, Up to 1 day OSS, Mandatory PG PBIP meeting Offense 4 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting Offense 5+ - OSS pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1 – Reflection, Parent meeting, Educational modules Offense 2 – Counseling referral Offense 3+ - Outside Service referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Written/verbal reprimand, Lunch/after school detention, Up to half day Time out, Up to 1 day ISS Offense 2 – Up to 3 detentions, Up to 2 days ISS Offense 3 – Up to 3 days ISS, Up to 1 day OSS, Mandatory PG PBIP meeting Offense 4 – Up to 3 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting Offense 5+ - OSS pending Alternative Placement Process</p>
<p><u>S0071 Loitering/Out of Area/Misuse of Pass:</u> 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>Elementary Consequences: Refer to S0052 Leaving assigned area without permission</p>	
<p><u>Secondary Interventions</u> Offense 1 – Reflection Offense 2 - Apology, Reflection, Teacher P/G conference, Educational Modules, Counseling referral Offense 3+ - Student Support Team referral, Outside Service Referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Written/verbal reprimand, 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, P/G Offense 4 – Up to 3 days ISS, Mandatory PG PBIP meeting Offense 5+ - Up to 1 day OSS, Mandatory P/G PBIP meeting</p>
<p><u>S0181 Misuse of Technology/Acceptable Use Policy Notification Violation:</u> 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. Technology Agreement - Milford School District</p>	
<p><u>Elementary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral</p>	<p><u>Elementary Consequences</u> 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</p>

<p>Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral</p>	<p>Offense 4 – Up to 1 day ISS, Restrict/Provide alternative class activities, Mandatory PG PBIP meeting Offense 5+ - Up to 2 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting</p>
<p>Secondary Interventions Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral</p>	<p>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, P/G Offense 4 – Up to 3 days ISS, PG PBIP meeting Offense 5+ - Up to 1 day OSS, Mandatory PG PBIP meeting</p>
<p>S0152 Reckless Burning: 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.</p>	
<p>Elementary Interventions Offense 1+ - Reflection, Counseling referral, Outside Service referral, Educational modules</p>	<p>Elementary Consequences Offense 1 – Up to 5 days OSS, Mandatory PG PBIP meeting, Police/Fire Marshal notification, Restitution Offense 2+ - OSS pending Alternative Placement Process, Police/Fire Marshal notification,</p>
<p>Secondary Interventions Offense 1+ - Reflection, Counseling referral, Outside Service referral, Educational modules</p>	<p>Secondary Consequences Offense 1+ - OSS pending Alternative Placement Process, Police/Fire Marshal notification</p>
<p>S0333 Repeated Violations of the Student Code of Conduct: 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.</p>	
<p>Elementary Interventions Offense 1 - Counseling referral, Student Support team referral, Educational modules Offense 2+ - Outside service referral, check in/out adult identified</p>	<p>Elementary Consequences Offense 1 - Up to 2 days ISS, Up to 2 days OSS, Privilege Restriction, Mandatory PG PBIP meeting Offense 2 – Up to 4 days ISS, Up to 4 days OSS, Privilege restriction, PG PBIP meeting, Referral to Alternative Placement Process Offense 3 - OSS pending Alternative Placement Process</p>
<p>Secondary Interventions Offense 1+ - Counseling referral, Outside service referral, student support team referral</p>	<p>Secondary Consequences Offense 1 – Up to 5 days OSS, Mandatory PG PBIP meeting, OSS pending Alternative Placement Offense 2+ - OSS pending Alternative Placement Process</p>
<p>S0102 Safety Violation: Any action that could endanger the safety and welfare of students, staff, or building</p>	

<p><u>Elementary Interventions</u> Offense 1 – Apology, Reflection, Educational Modules, Teacher conference Offense 2-3 – PG PBIP meeting, Counseling referral Offense 4+ - Outside Service Referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Up to 30 min Time Out Offense 2 – Up to 1 hour Time out Offense 3 - Up to half day Time out, Up to 1 day ISS, Up to 1 day OSS, Privilege restriction Offense 4 - Up to 3 days ISS, Up to 2 days OSS, Privilege Restriction, Mandatory PG PBIP meeting Offense 5+ - Up to 5 days ISS, Up to 3 days OSS, Privilege restriction, Mandatory PG PBIP meeting, Referral to Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1- Reflection, Apology, Teacher conference, Educational Modules Offense 2+ - Counseling referral, Outside Service referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 1 period Time out, 1 Lunch/after school detention Offense 2 – Up to half day Time out, Up to 1 day ISS, 1 day OSS Offense 3 – Up to 3 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting Offense 4+ - Up to 5 days ISS, Up to 5 days OSS, OSS Pending Alternative Placement Process</p>
<p><u>S0041 Skipping Class:</u> 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.</p>	
<p><u>Elementary Consequences:</u> Refer to S0052 Leaving assigned area without permission</p>	
<p><u>Secondary Interventions</u> Offense 1 – Educational modules, parent meeting Offense 2+ – Student Support Team referral, counseling referral, check in/out adult identified</p>	<p><u>Secondary Consequences</u> Offense 1 – Written/Verbal reprimand, lunch/after school detention, Up to 1 period time out, Up to 1 day ISS Offense 2 – Up to 3 detentions, Up to 2 days ISS Offense 3 – Up to 3 days ISS, Up to 1 day OSS, PG PBIP meeting Offense 4 – Up to 3 days ISS, Up to 2 days OSS, PG PBIP meeting Offense 5 – Up to 5 days OSS – Mandatory PG PBIP meeting</p>
<p><u>S0111 Stealing <\$1500:</u> Taking, exercising control over, or obtaining property of another person intending to deprive that person of it or appropriate it</p>	
<p>Offense 1 – Apology, Reflection Offense 2+ - Student conference, P/G contact, educational modules, Counseling referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 3 days ISS, Up to 3 Days OSS, PG PBIP meeting, Possible Police Notification Offense 2 -3 – Up to 5 days OSS, Mandatory PG PBIP meeting, Possible Police Notification Offense 4-5+ - OSS pending Alternative Placement Process, Police Notification</p>
<p><u>Secondary Interventions</u> Offense 1 – Reflection, Apology, Counseling referral, Educational Modules Offense 2+ - Outside Service referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 3 days ISS, Up to 3 days OSS, PG PBIP meeting, Possible Police Notification Offense 2-3 – Up to 5 days OSS, Mandatory PG PBIP meeting, Possible Police Notification</p>

	Offense 4-5+ - OSS pending Alternative Placement Process, Police notification
S0032 Tardy to Class: Late to class without authorization or approved reason (every 3rd tardy).	
<u>Elementary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Elementary Consequences</u> 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 PG PBIP meeting Offense 5+ - Up to 2 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting
<u>Secondary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Secondary Consequences</u> 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, P/G Offense 4 – Up to 3 days ISS, Mandatory PG PBIP meeting Offense 5+ - Up to 1 day OSS, Mandatory PG PBIP meeting
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	
<u>Elementary Interventions</u> Offense 1+ – Reflection, Apology, Student Conference, Counseling Referral, Outside Services Referral	<u>Elementary Consequences</u> Offense 1 – Up to 5 days ISS, Up to 5 days OSS, Schedule change, Mandatory PG PBIP meeting, Alternative Placement Process Referral Offense 2 + - Up to 5 days ISS, Up to 5 days OSS, OSS Pending Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ – Reflection, Apology, Student Conference, Counseling Referral, Outside Service Referral	<u>Secondary Consequences</u> Offense 1+ - Up to 5 days OSS, Police Notification, Mandatory PG 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.	
<u>Elementary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Elementary Consequences</u> 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 PG PBIP meeting

	Offense 5+ - Up to 2 days ISS, Up to 2 days OSS, Mandatory PG PBIP meeting
<u>Secondary Interventions</u> Offense 1-3 –Reflection, P/G Contact, Educational modules, Teacher Conference Offense 4 - Counseling Referral Offense 5+ - Counseling Referral, Outside Service Referral, Student Support Team referral	<u>Secondary Consequences</u> 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, P/G Offense 4 – Up to 3 days ISS, Mandatory PG PBIP meeting Offense 5+ - Up to 1 day OSS, Mandatory PG 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.	
<u>Elementary Interventions</u> Offense 1+ - Counseling referral, Outside Service referral, Reflection, PG PBIP meeting, Educational Modules, schedule change	<u>Elementary Consequences</u> Offense 1 – Up to 2 days ISS, Up to 2 days OSS, privilege Restriction, PG PBIP meeting, Confiscation Offense 2 – Up to 4 days ISS, Up to 4 days OSS, Privilege Restriction, Mandatory PG PBIP meeting, Confiscation Offense 3+ - Up to 5 days ISS, Up to 5 days OSS, Privilege Restriction, Mandatory PG PBIP meeting OSS Pending Alternative Placement Process, Confiscation
<u>Secondary Interventions</u> Offense 1+ - Counseling referral, Outside Service referral, Reflection, Educational Modules, schedule change	<u>Secondary Consequences</u> Offense 1 – Up to 3 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting, Possible Police Referral, Confiscation Offense 2-3 – Up to 5 days OSS, Mandatory PG PBIP meeting, Possible Police Referral, Confiscation Offense 4-5+ - OSS Pending Alternative Placement Process, Police notification, Confiscation
S0121 Unsafe Driving: School Violation Code: 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. S0122 Unsafe Driving: Parking Violation: Student violates the school parking and driving agreement.	
<u>Secondary Interventions</u> Offense 1+ - Reflection, Educational Modules, PG PBIP meeting	<u>Secondary Consequences</u> Offense 1 – Loss of driving privileges up to 5 days, Up to 3 days ISS, Up to 1 day OSS, Possible police notification Offense 2 – Loss of driving privileges up to 1 month, Possible police notification Offense 3 – Loss of driving privileges for 1 marking period, Up to 3 days OSS, Possible police notification Offense 4+ - Loss of driving privileges for 180 days, Up to 5 days OSS, Possible police notification

D Codes: Reportable to Department of Education

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.

D0701 Bullying/Cyberbullying *see policy.: 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 their emotional or physical well-being or substantial harm to their 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 a 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

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 PG 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 PG PBIP meeting, Schedule change, Student activities/athletic suspension, OSS pending Alternative Placement Process
Offense 2+ – OSS Pending Alternative Placement Process

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

Elementary Interventions

Offense 1+ – Educational Modules, Outside Service Referral, Counseling Referral, PG PBIP meeting, Substance Abuse Counseling

Elementary Consequences

Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, PG PBIP meeting, Referral to Alternative Placement Process
Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process

Secondary Interventions

Secondary Consequences

Offense 1 – Up to 3 days ISS, Up to 3 days OSS, Possible Police Notification, Mandatory PG PBIP meeting

<p>Offense 1 + - Counseling referral, Outside Service referral, Reflection, Educational modules, Apology</p>	<p>Offense 2-3 – Up to 5 days OSS, Mandatory PG PBIP meeting, Possible Police Notification Offense 4-5+ - OSS Pending Alternative Placement Process, Student activities/athletic suspension, Police notification</p>
<p>D0502 Drug Possession/Use/Influence D0501 Alcohol Possession/Use/Influence: 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. D1301 Drug Paraphernalia: “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>Elementary Interventions Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling</p>	<p>Elementary Consequences Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process</p>
<p>Secondary Interventions Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling</p>	<p>Secondary Consequences Offense 1 – Up to 5 Days OSS, Mandatory PG PBIP meeting, Mandatory Substance Abuse Counseling, OSS Pending Alternative Placement Process, Police Notification Offense 2+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p>D0601 Felony Theft >\$1500 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.</p>	
<p>Elementary Interventions Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling</p>	<p>Elementary Consequences Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process</p>
<p>Secondary Interventions Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling</p>	<p>Secondary Consequences Offense 1 – Up to 5 Days OSS, Mandatory PG PBIP meeting, Mandatory Substance Abuse Counseling, OSS Pending Alternative Placement Process, Police Notification Offense 2 + - Police Notification, OSS Pending Alternative Placement Process</p>

D1101 Fighting: Any aggressive physical altercation between two or more individuals.	
<u>Elementary Interventions</u> Offense 1+ - Educational Modules, Reflection, Outside Service Referral, Counseling Referral	<u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, OSS pending Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Educational modules, Reflection, Student conference, Outside Service Referral, Counseling Referral	<u>Secondary Consequences</u> Offense 1 – Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ - OSS Pending Alternative Placement Process
D1201 Inhalant Abuse: Chemical vapors inhaled for their mind-altering effects.	
<u>Elementary Interventions</u> Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling	<u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling	<u>Secondary Consequences</u> Offense 1 – Up to 5 Days OSS, Mandatory PG PBIP meeting, Mandatory Substance Abuse Counseling, OSS Pending Alternative Placement Process, Police Notification Offense 2+ - Police Notification, OSS Pending Alternative Placement Process
D1601 Medication: Inappropriate Possession and/or Use: Possessing or using nonprescription medication or prescription drugs of any type in the School Environment in violation of 14 DE Admin Code 612	
<u>Elementary Interventions</u> Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, PG PBIP meeting, Substance Abuse Counseling, Turn into Nurse	<u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling, Turn into Nurse	<u>Secondary Consequences</u> Offense 1 – Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Mandatory Substance Abuse Counseling, OSS Pending Alternative Placement Process, Police Notification Offense 2+ - Police Notification, OSS Pending Alternative Placement Process
D0802 Offensive Touching – Employee Victim: 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	

<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>D0801 Offensive Touching – Student Victim:</u> 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.</p>	
<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG 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</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 5 Days OSS, Mandatory PG PBIP meeting Offense 2 + - OSS Pending Alternative Placement Process</p>
<p><u>D0101 Pornography:</u> The possession, sharing, or production of any known obscene material in the School Environment.</p>	
<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG 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</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>D1001 Sexual Harassment:</u> 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.</p>	
<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 3 days ISS, Up to 5 days OSS, Mandatory PG 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</p>

<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>D0401 Tampering with Public Records:</u> 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.</p>	
<p><u>Elementary Interventions</u> Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling</p>	<p><u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Mandatory Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Educational Modules, Outside Service Referral, Counseling Referral, Substance Abuse Counseling</p>	<p><u>Secondary Consequences</u> Offense 1 – Up to 5 Days OSS, Mandatory PG PBIP meeting, Mandatory Drug Education Class, OSS Pending Alternative Placement Process, Police Notification Offense 2 + - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>D2011 Teen Dating Violence:</u> 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.</p>	
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>D0901 Terroristic Threatening – Student Victim:</u> 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</p>	
<p><u>Elementary Interventions</u> Offense 1+ Counseling Referral, Educational Modules, Teacher P/G conference, Outside Service Referral</p>	<p><u>Elementary Consequences</u> Offense 1- Up to half day Time out, Privilege restriction, Up to 3 days ISS, Up to 1 Day OSS Offense 2+ - Privilege restriction, Up to 3 days ISS, Up to 1 Day OSS, PG PBIP meeting Offense 3 – Up to 5 days ISS, Up to 5 Days OSS, Mandatory PG PBIP meeting Offense 4+ - OSS Pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ Reflection, Educational Modules, Student Conference, Counseling Referral, Outside Service referral</p>	<p><u>Secondary Consequences</u> Offense 1 – Privilege restriction, Up to 3 days ISS, Up to 3 days OSS, PG PBIP meeting, Police Notification Offense 2 – Up to 5 days ISS, Up to 5 days OSS, PG PBIP meeting, Police Notification Offense 3+ - Up to 5 days OSS, OSS Pending Alternative Placement Process</p>

D0902 Terroristic Threatening – Staff Victim/Security Threat: 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

<p>Elementary Interventions Offense 1+ - Outside Service Referral, Educational Modules, Counseling Referral</p>	<p>Elementary Consequences Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, PG PBIP meeting, Referral to Alternative Placement Process Offense 2 – Up to 5 Days OSS, Privilege Restriction, Oss Pending Alternative Placement Process</p>
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<p>Secondary Interventions Offense 1+ - Outside Service Referral, Educational Modules, Counseling Referral</p>	<p>Secondary Consequences Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
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D1401 Tobacco Possession and/or Use: The use and/or possession of tobacco products on school property (this includes e-cigarettes/vape pens).

<p>Elementary Interventions Offense 1+ - Educational Modules, Cessation class, Counseling Referral, Outside Services Referral</p>	<p>Elementary Consequences Offense 1 – Up to 2 days ISS, Up to 1 day OSS, Parent Contact required meeting, Privilege restriction, PG PBIP meeting Offense 2 – Up to 4 days ISS, Up to 2 Days OSS, Parent Contact required meeting, Privilege restriction, PG PBIP meeting Offense 3+ - Up to 5 days ISS, Up to 5 Days OSS, Parent Contact required meeting, Privilege restriction, PG PBIP meeting, OSS Pending Alternative Placement Process</p>
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<p>Secondary Interventions Offense 1 + - Educational Modules, Cessation class, Counseling Referral, Outside Services Referral</p>	<p>Secondary Consequences Offense 1 – Up to 3 days ISS, Up to 3 days OSS, Mandatory PG PBIP meeting, Possible loss of driving privileges Offense 2-3 – Up to 5 days OSS, Mandatory PG PBIP meeting, Possible loss of driving privileges Re-entry meeting Offense 4-5+ - OSS Pending Alternative Placement Process, Student Activities/Athletic Suspension, Loss of Driving Privileges</p>
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C Codes: Criminal Codes reported to law enforcement and Department of Education
 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..

C0134 Arson 1st – C0133 Arson 2nd: A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.	
<u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process
C0107 – Assault 1st/C0106 – Assault 2nd/C0201 Assault 3rd Assault Staff or Student: 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	
<u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Elementary Consequences</u> Offense 1 – Privilege Restriction, Up to 5 days ISS, Up to 5 Days OSS, PG PBIP meeting, Referral to Alternative Placement Process Offense 2+ – Up to 5 Days OSS, Privilege Restriction, Oss Pending Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process
C0601-C0626 Criminal Deadly Weapon * See Appendix A: 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.	
<u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process
Criminal Drug Offense C0701 – Prescription Drug C0702 – Cocaine/Powder Substance C0703 – Marijuana C0704 – Look-Alike Drugs: The Commission by a student of the unlawful possession, distribution, or use of alcohol, a drug-like substance, and/or drug paraphernalia.	
<u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process
<u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral	<u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process

Dangerous Instrument C0621-C0623 *See Appendix A: 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

<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>

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)

<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>

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).

<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>

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

<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>

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.

<p><u>Elementary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Elementary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>
<p><u>Secondary Interventions</u> Offense 1+ - Outside Service Referral, Counseling Referral</p>	<p><u>Secondary Consequences</u> Offense 1+ - Police Notification, OSS Pending Alternative Placement Process</p>

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/Guardian (PG): 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 including: A student shall be afforded initial due process rights for discipline procedures which result in the removal of a student for one day or more from regular school program due to a violation of the school's student code of conduct. These rights shall be afforded prior to any removal of one day or more from the regular school program:

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. 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 for up to 180 school days.

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.