

2024-25

CAPE HENLOPEN SCHOOL DISTRICT



Student Code of Conduct

Excellence, Equity & Responsiveness: *Every Student, Every Classroom, Every Day!*

CAPE HENLOPEN SCHOOL DISTRICT

OUR PROMISE

Excellence, Equity, and Responsiveness:

Every Student, *Every* Classroom, *Every* Day.

OUR MISSION

The Cape Henlopen School District celebrates the diversity of our students, staff, and community. We cultivate compassionate and innovative thinkers by providing every student with a welcoming, safe, equitable school community that is affirming and inclusive. Cape Henlopen engages and challenges ALL students by providing a responsive educational experience to prepare for post-secondary education and/or career opportunities.

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BEACON MIDDLE SCHOOL

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FREDERICK D. THOMAS MIDDLE SCHOOL

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MARINER MIDDLE SCHOOL

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H.O. BRITTINGHAM ELEMENTARY SCHOOL

402 Mulberry Street, Milton, DE 19968
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LEWES ELEMENTARY SCHOOL

820 Savannah Road, Lewes, DE 19958
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CHAPTER I

Introduction

INTRODUCTION

The Cape Henlopen School District and Board of Education, hereafter referred to as the District and Board, is dedicated to upholding its promise of Excellence, Equity and Responsiveness: Every Student, Every Classroom, Every Day! To achieve this, students, parents and school staff must share the responsibility of establishing a positive learning environment in which all participants feel safe, welcomed, respected and engaged.

To this end, conduct that is disruptive of the educational process, disrespectful of the rights and dignity of others, or harmful to the welfare and safety of others will not be tolerated. The Code of Conduct is a set of collective commitments required to promote a positive learning environment for all members of the educational community.

The Student Code of Conduct is an official policy of the Cape Henlopen School District Board of Education, adopted September 1, 1994. The Board of Education expects that this Code will be subject to ongoing review and revision in response to: (a) Administrative, staff, students, and parents' suggestions; (b) Legal interpretation; (c) Annual review; (d) Current conditions.

CONTENTS OF THE CODE OF CONDUCT

- Students, parents and staff are encouraged to become familiar with this document, in its entirety, which addresses:
- The rights and responsibilities of students, families and staff..
- The attendance policy.
- Conduct that disrupts a positive environment.
- Procedures for disciplinary action.

THE STUDENT CODE OF CONDUCT IS IN FORCE:

- On school property, the bus stop and on the school bus at all times.
- At all activities where school personnel have jurisdiction over students.
- Out-of-school if the student's conduct demonstrates a propensity to disregard the health, safety or welfare of others.
- In virtual spaces including, but not limited to: social media platforms, email, text messages, etc if and when there is a direct impact on the safety and well-being of any member of the school community and/ or the school environment.

The Principal or designee is authorized to take administrative action when a student's misconduct to and from school, at school or out-of-school, is harmful to other students, to staff or to the orderly execution of the education function.

POSITIVE LEARNING ENVIRONMENT

Through the use of Restorative Practices as a school climate strategy, an environment conducive to learning and preparing for a productive life can be established. A positive learning environment includes, but is not limited to:

- An array of culturally proficient and engaging educational experiences and opportunities tailored to the unique needs of each student
- Community Respect Agreements

CHAPTER II

*Student Rights,
Responsibilities & Commitments*

STUDENT RIGHTS, RESPONSIBILITIES & COMMITMENTS

Within every school, the administrative team has the responsibility and authority for maintaining an orderly educational process and a positive learning environment. The District guarantees students' rights as allowed by state and federal laws, regulations, and the rules and regulations of the Board. The Board recognizes and supports students' rights and corresponding responsibilities.

ATTENDANCE

See Board Policy #204 [\(Click Here\)](#)

DRESS CODE

The Cape Henlopen School District respects students' rights to express themselves through their manner of dress. All Cape Henlopen School District students are expected to respect the school community by dressing appropriately for an educational environment. Student attire should facilitate participation in learning and be mindful of the health and safety of students and the adults that supervise them. **Enforcement of this dress code will not reinforce or increase marginalization or discrimination against any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.**

Failure to meet the minimum expectations of the dress code, may result in school-directed changes to a student's attire or grooming. Any school dress code enforcement actions should minimize the potential loss of educational time, but refusal to meet expectations will result in disciplinary action.

Minimum Expectations:

- Clothing must cover areas from one armpit across to the other armpit, down to approximately 3 inches in length on the upper thighs. Tops must have shoulder straps. Rips or tears in clothing should be lower than 3 inches in length. Bottoms are to be worn at the natural waist without undergarments being exposed.
- Shoes must be worn at all times and should be safe (as determined by administration or teacher) for the school environment (bedroom shoes or slippers shall not be worn, except for school activities approved by the principal or designee).
- See-through or mesh garments must not be worn without appropriate coverage underneath that meet the minimum requirements of the dress code.
- Headgear including hats, hoodies, and caps are not allowed unless required for religious, medical, or other reasons as determined by school administration.
- Specialized courses may require specialized attire, such as sports uniforms or safety gear.
- Clothing may not depict, imply, advertise, or advocate illegal, violent, or lewd conduct, weapons, or the use of alcohol, tobacco, marijuana or other controlled substances.
- Clothing may not depict or imply pornography, nudity, or sexual acts.
- Clothing may not display or imply vulgar, discriminatory, or obscene language or images.
- Clothing may not state, imply, or depict hate speech/imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected classification.
- Sunglasses may not be worn inside the building.
- Clothing and accessories that endanger student or staff safety may not be worn.
- Apparel, jewelry, accessories, tattoos, or manner of grooming that, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in an organization that advocates illegal or violent behavior is prohibited.

[Click Here for Visual Details](#)

EXPRESSION

One of the basic purposes of school is to prepare students for responsible self-expression as guaranteed by the U.S. Constitution. Self-expression must not be obscene, libelous or disruptive to the educational process.

Students have the right:

- To participate in patriotic activities. Students shall also have the right to be excused from any school activity that is against their religious beliefs or deep personal convictions.
- To respectfully express individual opinions.
- To assemble peacefully on school property at a time and place approved by the Principal (who holds the right to deny if it will endanger the health or safety of others, damage property or disrupt the activities of others).

Students have the responsibility:

- To act in an appropriate manner during all school activities.
- To be well informed about issues and to express their opinions in a reasonable manner at a reasonable place and time.

HARASSMENT

Sexual harassment or harassment/misconduct by students based upon race, national origin, disability, religion, gender, gender identity, sexual orientation, or other prohibited characteristics is prohibited. The Cape Henlopen Board of Education believes that all persons are entitled to a safe environment where individual rights are protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policies on sexual harassment and harassment/misconduct based on race, national origin, disability, religion, gender, gender identity, sexual orientation, or other prohibited characteristics have been adopted.

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

See Board Policy #223 ([Click Here](#))

PERSONAL PROPERTY

School Locker

School lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers which are provided for the convenience of its students. Periodic general or random inspections of lockers may be conducted by school authorities for any reason at any time, with or without reasonable suspicion of the commission of a crime or a school disciplinary infraction. Locker searches may be conducted by school authorities at any time, without notice, without student consent, and without a search warrant provided that during any such search an administrative employee of the District will be present to witness the search. The Board authorizes administrative employees of the District to conduct locker searches with or without the involvement of the Delaware State Police. In the event a locker search reveals that a student's locker contains items which are prohibited under the Student Disciplinary Code or under Delaware State law, appropriate disciplinary procedures shall be initiated against the student; and in situations where the items discovered are in violation of State law, the Delaware State Police shall be notified.

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure. This right is balanced by the school's responsibility to protect the health, safety and welfare of others. Student lockers are school property; therefore, school authorities have the right to search lockers at any time. Vehicles driven on school property are subject to search by school authorities under condition of reasonable suspicion. A refusal to search is admission to guilt, and will result in immediate suspension pending a school review, which could result in alternative placement and/or expulsion.

The District presumes a student possesses, and is therefore responsible for, all items in the student's locker, book bag, purse, or similar bag or container used to carry books or personal property. Students should regularly check the contents of personal storage containers. Failure to secure your lockers, book bags, book packs, purses, instrument cases and other containers do not exempt students from the responsibility or provide others access to them, you remain responsible for any items found inside of them.

The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle or other conveyance. This presumption applies to any vehicle you drive to school without regard to who owns the vehicle. Before bringing a vehicle to school, or a school activity, the student should carefully inspect the vehicle. Failure to lock the vehicle, or permit others access to it, does not exempt from the responsibility for all items found in the vehicle.

Students have the right:

- To privacy regarding their personal possessions, including motor vehicles, unless the Principal or the Principal's designee has reasonable suspicion of a student's use, possession or distribution of alcohol, drugs, drug-like substances, look-alike substances, drug paraphernalia or other prohibited items. This "invasion" of student privacy also applies if there is suspicion of a student's unauthorized possession of other items, which include but are not limited to: weapons, stolen property, or dangerous instruments in the school environment.

Students have the responsibility:

- To exercise caution with respect to what they bring to school.
- To refrain from bringing to school, either in plain view or concealed, any materials which are illegal, disruptive, dangerous or offensive to others.

PUBLISHING & DISTRIBUTING MATERIALS

An important role of the school is to provide effective ways in which students may express themselves in a wide range of subjects. Official school publications, such as newspapers, should reflect the policy and judgment of the student editors and advisors and should include viewpoints representative of the entire school community.

Students have the right:

- To publish and distribute materials as long as such action does not endanger the health and safety of others, threaten to disrupt the educational process, reflect a libelous nature, indicate a commercial purpose, or contain obscene or inflammatory statements.

Students have the responsibility:

- For designating the person(s) who wrote and published the material;
- Adhering to acceptable standards of journalism including literary value, newsworthiness, and propriety
- Distributing material before and after regular school hours;
- Distributing during regular school hours only with administrative permission;
- Displaying materials on bulletin boards provided for student use;
- Accepting any legal consequences for student expression and publication;
- To confirm that the information published is factual.

SCHOOL CLIMATE STRATEGIES

Restorative Practices

Restorative Practices are deliberate and intentional tools and strategies that facilitate the building of healthy relationships and school climate. When individuals live in healthy relationships with others, there is abundant personal growth, capacity for character building, and high level achievement. Restorative Practices acknowledges the importance for all students and staff to build positive relationships with one another, in order to produce the best academic, social, and emotional outcomes. When harm occurs in the community, healing is a process essential to restoring healthy relationships with the understanding that harm-doers should be held accountable for and take an active role in repairing harm. Conflict is resolved through honest dialogue and collaborative problem-solving, while addressing the root cause and the needs of those impacted. Following a harm, staff shall work with the student and others involved to determine how to repair the harm caused and provide restitution whenever possible. To the extent possible, consequences will be given that match the function of the infraction. For example, if an incident involves destruction of school property, a consequence including a measure to restore the damage shall be considered for inclusion. Similarly, if an incident involves a harm to a social relationship, a consequence including a measure to restore the relationship, a loss of a social privilege, and/or another activity that strengthens a pro social skill may be considered.

[Click Here to Learn More](#)

Trauma Informed Care

In conjunction with Restorative Practices, Trauma Informed Care acknowledges and accounts for the mental wellness of students and provides strategies to engage students in a way that affirms, validates and responds to the impact of trauma on their academic performance and behavior. By establishing healthy relationships and utilizing strategies to de-escalate and self-regulate in conflict, students and staff can repair harm and resolve problems.

[Click Here to Learn More](#)

TECHNOLOGY USAGE

See Board Policy #111 [\(Click Here\)](#)

TRANSPORTATION PRIVILEGES

School Bus

See Board Bus Behavior & Discipline Matrix [\(Click Here\)](#)

Student Motor Vehicles

Driving to school and parking on school property is a privilege extended to the student body by the Board. Any student who drives or parks a vehicle on school grounds shall register that vehicle with the school. The registration number must be displayed every day in the front window of the car. Students should follow the rules for driving/parking cars on school grounds as follows: Driving to school and parking on school property is a privilege extended to the student body by the Board. Any student who drives or parks a vehicle on school grounds shall register that vehicle with the school. The registration number must be displayed every day in the front window of the car. Students should follow the rules for driving/parking cars on school grounds as follows:

1. Register all vehicles with the office. The tag must be displayed.
2. Park in student parking areas only.
3. Obey 15mph speed limit.
4. Operate the vehicle in a safe manner.
5. Upon arrival, student drivers and riders will go directly into the building.
6. Once on school grounds, students may not drive off the property without administrative approval.
7. Administrative approval is required for students to be in the parking lot areas when school is in session as they are unauthorized areas for students during the school day.
8. Students who drive or ride to school will be on time.
9. Only legally licensed drivers may drive/park on school grounds.

Student Motor Vehicles (continued)

Students who fail to meet these expectations may have their school driving/parking privileges suspended or revoked. Students who have unregistered vehicles, suspended or revoked driving privileges, or who park in unauthorized or other unassigned spaces may have the vehicle towed at the owner’s expense.

SAFETY

All students who attend the District have the right to attend school in a safe and orderly environment where they are encouraged to learn.

Students have the right:

- To learn in an environment free from the threat or act of psychological and/or physical violence.
- Students have the responsibility:
- To show respect for other people’s ideas, values, and heritage.
- To resolve conflicts in an appropriate manner.
- To notify school personnel if they have knowledge of any weapon(s) on school property.

MTSS

MTSS serves as a tiered framework to support the whole student through data informed collaboration. All students receive Tier I interventions to support their academic, behavior and social-emotional growth within the classroom. Based on multiple sets of data and observations, students are tiered in two levels to receive more direct, intentional and individualized interventions to target specific areas of need.

[Click Here to Learn More](#)

STUDENT GOVERNMENT

Student government is a means for providing students with an opportunity to express themselves and to act on school matters through the democratic processes. All members of the school community share the responsibility of helping the student government. Students shall be given the opportunity to contribute to the making of decisions that affect the climate of the school. District and school policies shall be available for student governments.

Students have the right:

- To form and operate a student government within each school under the direction of a faculty advisor. This right shall be exercised consistent with the District’s applicable rules and regulations.
- To recommend members of the faculty to serve as sponsors for their school’s governmental organization.
- To seek office in student government regardless of race, sex, creed, national origin, disability, religion, gender, or gender identity.

Students have the responsibility:

- To work on the needs of the student body in cooperation with assigned staff members.
- To get prior consent of recommended faculty members before announcing plans or programs.
- To conduct election campaigns in a positive manner, respecting the rights of other candidates.

CHAPTER III

Student Activities & Athletics

STUDENT ACTIVITIES & ATHLETICS

SENIOR RELEASE, WORK STUDY AND ACADEMIC EARLY DISMISSAL

Some students are scheduled for senior release or work study due to advanced college placement, enrollment in the diversified occupations work program, or participation in one of the various internships offered at CHHS. Those specifically assigned students are to comply with the established procedures developed by the high school in conjunction with the District Office. Failure to comply with the established procedures may result in disciplinary action and/or the loss of their privileges specifically related to leaving school early or arriving late. The student will be assigned to a schedule requiring the student to attend the entire day.

Students who are scheduled for early dismissal are issued an early dismissal card indicating the time for the student's regular dismissal. Students are expected to leave the property within ten minutes of the time indicated on their early dismissal cards. Transportation for students who are scheduled for early dismissal is the responsibility of the student. The early dismissal card is to be shown upon request to any staff member who questions the student about not being in class. Abusing the privilege of the early dismissal process may result in the loss of the privilege and possible disciplinary action.

ASSEMBLIES

Assemblies, unless otherwise stated, will be held in the auditorium or gymnasium. Invitations will be extended to specific staff members who have the option to bring their classes or not as they see fit. Seating will be by class or homeroom.

Sometimes, an assembly program will result in guests visiting our school. Students are reminded that they are a reflection not only of themselves, but also of Cape Henlopen School District and are expected to treat these guests with courtesy and respect. Those students who do not conduct themselves properly during assembly programs will be removed from the assembly and may be subject to further discipline. At the end of the assembly program, the staff will give directions for dismissal.

ATHLETIC & EXTRACURRICULAR ELIGIBILITY

See Board Policy #123 [\(Click Here\)](#)

PER DIAA RULE BOOK A STUDENT IS NOT ELIGIBLE

Student Eligibility - Refer to DIAA Rule Book [\(Click Here\)](#)

CLUBS

Student membership and participation in any school organization, club or activity shall be based upon meeting the standards of good citizenship and scholarship as outlined under athletic and extracurricular eligibility.

Clubs may be started by contacting the principal for applications. Clubs should be the result of a definite need or interest. All clubs must have a faculty advisor.

SOCIAL EVENTS

Dances will be held throughout the school year at the request of some student organizations. Refreshments will be sold by the sponsoring group. Dances will last two or three hours depending on the time of year.

Secondary regulations for social events are:

- Only Cape Henlopen students may attend the dances.
- Regular school or casual dress is acceptable.
- No drinking of alcoholic beverages, smoking, illegal drugs or abusive language by students will be tolerated.
- There will be no passes for leaving. If you leave the dance, you may not return, and you must leave school property.
- Refreshments must be consumed where the activity is held.
- Tickets to all dances will be sold in advance.

ATHLETIC CODE OF ETHICS

Code for Interscholastic Athletics:

The School Administrator and Athletic Director shall:

- Encourage and promote friendly relationships and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by acquainting students and others in the community with ideals of good sportsmanship and by so publicizing these concepts and attitudes that all members of the school community will understand and appreciate their meaning.
- Review with all athletic staff the Sportsmanship Rules
- Insist upon implicit compliance with all rules and regulations of the Delaware Interscholastic Athletic Association (DIAA). [About DIAA – Delaware Interscholastic Athletic Association](#)
- Insist upon adequate safety provisions for all activities for both participants and spectators.
- Encourage all to judge the success of the athletic program on the basis of the attitude of the participants and spectators rather than on the basis of the number of games won or lost.
- Insist that all participants exemplify the highest standards of good sportsmanship as a means of ensuring desirable spectator attitudes.
- Provide adequate hygienic, sanitary and attractive facilities for the dressing and housing of visiting teams and officials.

The Spectator shall:

- Realize that they represent the school just as definitely as does the member of a team and, therefore, has an obligation to be a true sport, encouraging through this behavior the practice of good sportsmanship by others.
- Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill and outstanding examples of sportsmanship and fair play exhibited by either team
- The following are some examples of poor sportsmanship which shall not be tolerated:
 - Profanity, vulgarity, obscene gestures, abusive language and/or derogatory remarks
 - Throwing objects
 - Going to the floor or field and interrupting a contest
 - Use of alcohol or other controlled substances
 - Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them
 - Treat visiting teams and officials as guests, extending to them every courtesy
 - Be modest in victory and gracious in defeat

Participants (Athletes and Cheerleaders) shall:

- Have a responsibility for the perpetuation of interscholastic athletics. Work to enhance the image of athletics not only as a team member but also as a school and community citizen.
- Be courteous to visiting teams. Your opponents wish to excel as much as you do; respect their efforts.
- Play to the limit of your ability, regardless of discouragement. The true athlete does not give up, nor do they quarrel, cheat, bet or grandstand.
- Be modest when successful and gracious in defeat. A true sport does not offer excuses for failures.
- Understand and observe the standards of eligibility and the rules of the game.
- Respect the integrity and judgment of officials and accept their decisions without questions.
- Respect the facilities of host schools and the trust entailed in being a guest.

ATHLETIC CODE OF ETHICS (continued)

The coach shall:

- Demonstrate high ideals, good habits and desirable attitudes in personal and professional behavior and demand the same standards of the players.
- Recognize that the purpose of competition is to promote the physical, mental, social, and emotional wellbeing of the individual players and that the most important values of competition are derived from playing the game fairly.
- Be a modest winner and a gracious loser.
- Maintain self-control at all times, accepting adverse decisions without public display of emotion or of dissatisfaction with the officials
- Register disagreement through proper channels.
- Employ accepted educational methods in coaching, giving all players an opportunity to use and develop initiative, leadership and judgment.
- Pay close attention to the physical condition and wellbeing of players, refusing to jeopardize the health of an individual for the sake of improving his/her team's chances to win.
- Teach athletes that it is better to lose fairly than to win unfairly.
- Discourage gambling, profanity, abusive language and similar violation of the true sportsman's code.
- Refuse to disparage an opponent, an official, or others associated with sports activities and discourage student athletes under his/her immediate care.

The Official shall:

- Know the rules and their interpretations and be thoroughly trained to administer them.
- Maintain self-control under all conditions.
- Do not make gestures or comments that will embarrass the players or coaches when enforcing the rules.
- Be impartial and fair, yet firm, in all decisions. A good official does not attempt to compensate later for an unpopular decision.
- Refrain from commenting upon or discussing a team, play or game situation with those not immediately concerned.
- So conduct the games to enlist the cooperation of players, coaches and spectators in the interest of good sportsmanship.

CHAPTER IV

*Disciplinary Process,
Procedures & Steps*

DISCIPLINARY PROCESS, PROCEDURES & STEPS

STEP 0

CLASSROOM INTERVENTIONS & RESPONSES

Teachers and staff are encouraged to use culturally responsive, restorative, trauma informed practices as integral components of classroom management strategies. **All** Step 0 interventions should be documented as an **FYI** in RAP with a documented parent/guardian phone call (or attempted) prior to submitting.

Utilize Preventative Strategies & Establish/Reinforce Expectations:

- Repeat the desired behavior expectation
- Collaboratively create & review “Respect Agreement”
- Proactive Circle to prevent misbehavior
- Review procedures and routines

Continue Building/Reinforcing Positive Relationships and Rapport with Students:

- Proactive Circle to build relationship & community
- Restorative Conversations (student + teacher reset conversation)
- Modifications to classroom environment, routines/practices, and roles for students
- Use Restorative Language (affective statements)
- Behavior specific praise

Utilize Calm Down/Self Regulating and Coping Strategies (As needed):

- Have the child take a break in designated space
- Moment of mindfulness/meditation
- Take a lap or movement break

Routinely Use Restorative Responses to Unexpected Behaviors, SEL Replacement Strategies and Tier I Interventions:

- Redirection & proximity
- Give replacement comments
- Confiscation (if applicable)
- Student generated solution to behavior
- Restorative Circle to discuss solutions
- Teach replacement behavior
- Loss of classroom privileges
- [Additional Tier I Interventions](#)

Ongoing Communication Between Home and School (other staff) for Both Expected and Unexpected Behavior(s):

- Call, email or message the student’s guardian
- Schedule in-person or virtual parent check-in

STEP 1

INTERVENTIONS INVOLVING SCHOOL SUPPORT STAFF AND/OR ADMINISTRATION

When Step 0: Classroom Interventions and Responses are ineffective, Step 1 interventions involve the school administration and/or support staff and aim to correct behavior by stressing the seriousness of the behavior, while keeping the student in the classroom or school.

In step 1 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conversation with the student are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

Step 0 plus:

- Student Due Process (Required)
- Detention(s) with **Restorative Strategies**: time-out, lunch, recess, after/before school
- Restitution for Loss/Damages (when applicable)
- Support Staff/Admin Interventions: Check In/Check Out, Mentor/Champion Assignment, Earns, Privilege/Schedule Modifications, etc

STEP 2**SHORT-TERM REMOVAL FROM CLASSROOM WITH RESTORATIVE, TRAUMA INFORMED PRACTICES**

These interventions may involve the short-term removal of a student from the classroom because of the behavior. The duration of any short-term removal is to be limited as much as possible while adequately addressing the behavior.

In step 2 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conversation with the student are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

Step 0-1 plus:

- Student Due Process (Required)
- At least a ½ day of ISS with **Restorative Strategies**
- Mandatory written notification of ISS (of any length) to Parent/Guardian
- Behavior Intervention Referral to MTSS

STEP 3**LONGER-TERM REMOVAL FROM CLASSROOM WITH RESTORATIVE, TRAUMA INFORMED PRACTICES**

These interventions may involve at least a full day removal of a student from the classroom because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 3 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative circle with student(s) (and those harmed when applicable) are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

Step 0-2 (when applicable) plus:

- Student Due Process (Required)
- At least a 1 day of ISS with **Restorative Strategies**
- Mandatory written notification of ISS (of any length) to Parent/Guardian
- Possible Tier 2 Behavior Intervention Group Placement

STEP 4**SHORT-TERM REMOVAL FROM SCHOOL WITH RESTORATIVE, TRAUMA INFORMED PRACTICES**

These interventions may involve at least a full day removal of a student from the school because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 4 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conference with student(s), parent/guardian and appropriate staff/administration are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

- Student Due Process (Required)
- At least a 1 day of ISS with **Restorative Strategies** Upon Re-Entry
- Mandatory written notification of OSS to Parent/Guardian
- Required Tier 2 Behavior Intervention Group Placement (interventions include, but aren't limited to: Point Cards, Group SEL supports, Movement Therapy, etc.)
- Loss of School Privileges (School-based sponsored Activities and Events - including field trips) for the duration of the suspension.

STEP 5**LONG-TERM REMOVAL FROM SCHOOL WITH RESTORATIVE, TRAUMA INFORMED PRACTICES (2 DAYS OSS)**

These interventions may involve a multi-day removal of a student from the school because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 5 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conference with student(s), parent/guardian and appropriate staff/administration are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

- *Student Due Process (Required)*
- *At least 2 days of OSS with [Restorative Strategies](#) Upon Re-Entry*
- *Mandatory written notification of number of days of OSS to Parent/Guardian*
- *Progress monitoring of Tier 2 behavior interventions/strategies*
- *Loss of School Privileges (School-based sponsored Activities and Events - including field trips) for the duration of the suspension.*

STEP 6**LONGER-TERM REMOVAL FROM SCHOOL WITH RESTORATIVE, TRAUMA INFORMED PRACTICES (3 DAYS OSS)**

These interventions may involve at least a full day removal of a student from the school because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 6 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conference with student(s), parent/guardian and appropriate staff/administration are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

- *Student Due Process (Required)*
- *At least 3 days of OSS with [Restorative Strategies](#) Upon Re-Entry*
- *Mandatory written notification of number of days of OSS to Parent/Guardian*
- *Possible Tier 3 Behavior Intervention Group Placement*
- *Loss of School Privileges (School-based sponsored Activities and Events - including field trips) for the duration of the suspension.*

STEP 7**LONGER-TERM REMOVAL FROM SCHOOL WITH RESTORATIVE, TRAUMA INFORMED PRACTICES (5 DAYS OSS)**

These interventions may involve at least a full day removal of a student from the school because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 7 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conference with student(s), parent/guardian and appropriate staff/administration are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

- *Student Due Process (Required)*
- *At least 5 days of OSS with [Restorative Strategies](#) Upon Re-Entry*
- *Mandatory Tier 3 Behavior Intervention Group Placement (interventions include but aren't limited to: Behavior Contract, 1:1 Coaching/SEL support, invitation for parent/guardian observation/support, referrals to additional support/resources as needed.*
- *Loss of School Privileges (School-based sponsored Activities and Events - including field trips) for the duration of the suspension.*

STEP 8

LONGER-TERM REMOVAL FROM SCHOOL WITH RESTORATIVE, TRAUMA INFORMED PRACTICES (5-10 DAYS OSS WITH POSSIBLE ALTERNATIVE PLACEMENT)

These interventions may involve at least a full day removal of a student from the school because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 8 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conference with student(s), parent/guardian and appropriate staff/administration are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

- *Student Due Process (Required)*
- *At least 5-10 days of OSS with [Restorative Strategies](#) Upon Re-Entry*
- *Mandatory Tier 3 Behavior Intervention Group Placement (interventions include but aren't limited to: Behavior Contract, 1:1 Coaching/SEL support, invitation for parent/guardian observation/support, referrals to additional support/resources as needed.*
- *Loss of school privileges (school-based/sponsored activities and events - including field trips) for the duration of the suspension.*
- *Possible school review to determine if alternative placement is appropriate*
- *Possible manifestation meeting/review prior to school review for students with an IEP (required at 10 days OSS)*

STEP 9

LONGER-TERM REMOVAL FROM SCHOOL WITH RESTORATIVE, TRAUMA INFORMED PRACTICES (5-10 DAYS OSS WITH RECOMMENDED ALTERNATIVE PLACEMENT)

These interventions may involve at least a full day removal of a student from the school because of the behavior. The duration of any removal is to be limited as much as possible while adequately addressing the behavior.

In step 9 a **referral** with a documented phone call (or attempt) by referring staff prior to submission in RAP, and restorative conference with student(s), parent/guardian and appropriate staff/administration are **required**. Documentation may be recorded as part of the special education behavioral intervention plan when applicable.

- *Student Due Process (Required)*
- *At least 5-10 days of OSS with [Restorative Strategies](#) Upon Re-Entry*
- *Mandatory Tier 3 Behavior Intervention Group Placement (interventions include but aren't limited to: Behavior Contract, 1:1 Coaching/SEL support, invitation for parent/guardian observation/support, referrals to additional support/resources as needed.*
- *Loss of school privileges (school-based/sponsored activities and events - including field trips) for the duration of the suspension.*
- *School review prior to recommend alternative placement*
- *Manifestation meeting/review prior to school review for students with an IEP (required at 10 days OSS)*

MANDATORY POLICE REPORTING

A mandatory reporting process through which certain crimes committed by students on school property, including buses, field trips, sporting events and any school function within the State of Delaware must be reported to the police and when applicable to DOE (Department of Education).

The following require mandatory reports to police:

- Violent felonies (all violent felonies that occur against students, school employees, and school volunteers must be reported).
- Assault against a student, school employee or volunteer.
- Terroristic threatening against a school employee or volunteer

MANDATORY POLICE REPORTING (continued)

- Offensive touching against a school employee or volunteer.
- Unlawful sexual contact against a student, school employee or volunteer.
- Possession of a dangerous instrument or deadly weapon by a student.
- Possession of an unlawful controlled substance including: prescription drugs and counterfeit drugs.
- Hate crimes.
- Other crimes as listed in [Delaware Code, Title 14, Section 4112](#)

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

The following requires a mandatory report to the Department of Education:

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

The Cape Henlopen School District Title IX Coordinator must be contacted if an incident involves sex discrimination, which is prohibited under Title IX, and includes sex-based harassment, sexual assault, dating and domestic violence, stalking, quid pro quo harassment, hostile environment harassment, disparate treatment, and disparate impact. Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the District's Title IX Coordinator. For a complete copy of the Policy or more information, please visit <https://www.capehenlopenschools.com/chsd> or contact the Title IX Coordinator.

VIOLATIONS AND DISCIPLINARY ACTIONS

The glossary located at the back of the booklet is not all inclusive. A student committing an act of misconduct which is not listed may be subject to disciplinary action. Specifically, if a student commits an act which constitutes a crime under Delaware law, such a student is subject to discipline which may include expulsion in an appropriate case. Criminal activity outside the school environment can also be cause for disciplinary action by the school District against a student, if the behavior (criminal activity) could reasonably pose a threat to the orderly functioning of the educational process or a danger to the health, safety, and welfare of other students, employees, or school District property.

In a situation involving unique or severe offenses which pose a threat to the orderly functioning of the educational process or which pose a danger to the health, safety, and welfare of other students, employees, or school District property, the building Principal shall refer the matter directly to the Superintendent or his/her designee. The purpose of the recommendation is for the immediate consideration of the possibility of making a recommendation for alternative educational placement and/or expulsion from school, and that the matter be referred to the Board with a recommendation.

If there are required disciplinary actions for a violation, such discipline shall be imposed. In addition to the required disciplinary actions, approved optional disciplinary actions may be imposed by the school Principal following a conclusion that those additional consequences are warranted.

If there are recommended disciplinary actions for a violation, such discipline will be imposed unless there is a compelling reason to do otherwise. In such cases, one or more of the optional disciplinary actions listed for the violation will be imposed.

NOTE: Disciplinary action is required if a threat or attempt to do bodily harm is directed at school personnel or person(s) acting in an official capacity of the school (parent chaperones, volunteers, etc.).

COMBINATION OF OFFENSES

In a single incident, where more than one violation of the Code occurs (i.e. in one incident/action a student violates dress code, defies school authority and leaves assigned area), the student may be dealt with at the highest level and may be given the most severe outcome allowed for any of the offenses committed.

In separate incidents of violations of the Code, the offenses must all occur within a 48 hour period without consequence (2 student school days); in which case, offenses can be combined to result in the most severe outcome allowed by any of the offenses committed. Separate incidents occurring beyond a 48 hour period without consequence **cannot** be combined in order to determine the appropriate level and action for the latest offense. Offenses are to be considered separate, unless otherwise stated in the Code of Conduct. If several separate instances of the **same** offense occur prior to disciplinary actions, all of the offenses should be processed at the appropriate level of action specified for **each** violation. This includes bus violations.

CORPORAL PUNISHMENT

The Board of Education believes that the primary purposes of student discipline are to maintain a classroom atmosphere conducive to learning by all students and to teach students the responsibility and rewards of self-discipline. Students must know the limits of acceptable and unacceptable behavior or actions.

Effective discipline is positive rather than negative in nature. Reinforcing proper attitudes and behavior is preferable to punishing inappropriate behaviors. Good discipline should always be fair, dignified, and in good temper.

The use of corporal punishment is counterproductive. For purposes of this policy section, corporal punishment means the willful infliction of, willfully causing the infliction of, or willfully allowing the infliction of physical pain on a student. Corporal punishment includes but is not limited to the use of a paddle or stick on a student, blows to the head, hair-pulling, limb-twisting, slapping, shoving, or any other action which seeks to induce bodily pain. No Cape Henlopen School District employee may inflict or cause corporal punishment on a student.

This subsection of the discipline policy does not prohibit an official or professional employee of the Cape Henlopen School District from:

1. Using reasonable and necessary physical contact to quell a disturbance or prevent an act that threatens physical injury to any other person.
2. Using reasonable and necessary physical contact to obtain possession of a weapon, other dangerous object, controlled substance, or drug paraphernalia within a student's control.
3. Using reasonable and necessary physical contact for the purpose of self-defense or the defense of others.
4. Using reasonable and necessary physical contact for the purpose of protecting public school property.
5. Using reasonable and necessary physical contact for the purpose of removing a disruptive student from school premises or motor vehicle or from school-sponsored activities.
6. Using reasonable and necessary physical contact to prevent a student from inflicting harm on himself or herself.
7. Using reasonable and necessary physical contact to protect the safety of others.
8. Using incidental, minor, or reasonable physical contact to maintain order and control.

In determining whether or not an employee of the Cape Henlopen School District was acting within the above exceptions, deference shall be given to reasonable, good faith judgment made by an official or employee of the school Board.

This policy will be reviewed yearly at the beginning of school by each school staff.

IN-SCHOOL SUSPENSION

In-School Suspension (ISS) is the temporary removal of a student from the area indicated by the regularly assigned schedule for a full day. Students assigned to in-school suspension will remain in school, but will be assigned to a designated, supervised area within the school.

Students assigned to in-school suspension are not permitted to participate in any extra-curricular activities during the length of their suspension.

A written notice must be mailed home or emailed (read receipt) for an ISS within 24 hours of the processing of the suspension. The notification shall state the reason and duration of the suspension. If the suspension is for more than three (3) days, a definite time and date for a conference shall be scheduled at a place designated by the school administrator. The principal/designee is required to hold an in-person, virtual or phone restorative conference, to include the parent and child, prior to the readmission of the student.

OUT-OF-SCHOOL SUSPENSION

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

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

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

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

A written notice must be mailed home or emailed for any Out-of-School Suspension within 24 hours of processing of the suspension. The notification shall state the reason and duration of the suspension.

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

PROGRESSIVE DISCIPLINE MATRIX

With strategies, approaches and responses to unexpected behaviors

MTSS Framework	Tier 1	Tier 1 with support staff/admin	Tier 2	Tier 2	Tier 2	Tier 3	Tier 3	Tier 3	Tier 3	Tier 3	
Restorative Practices Continuum	Informal	Informal	Informal	Informal	Formal	Formal	Formal	Formal	Formal	Formal	
Offense/Violation	Step 0	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Mandatory Police Reporting
KN-5	Classroom Interventions	Referral & Supports/ Detention	½ Day ISS	1+ day ISS	1 day OSS	2 days OSS	3 days OSS	5 days OSS	5+ days OSS &/or optional Alternative Placement Recommendation	5+ days OSS and Recommend AP or expulsion	
Abusive/Inappropriate Language	●	●	●	●	●	●	●				
Academic Cheating	●	●									
Acceptable Use Policy/Misuse of Technology	●	●	●	●	●	●					
Alcohol Possession & Use					●	●	●	●	●		X
Bullying (Substantiated)		●	●	●	●	●	●	●	●		
Criminal Mischief (Vandalism)		●	●	●	●	●					X
Dangerous Instrument(s) - Possession/Concealment/Sale		●	●	●	●	●	●	●	●		X
Deadly Weapon(s) - Possession/Concealment/Sale		●	●	●	●	●	●	●	●		
Defiance of School Authority	●	●	●	●	●	●					
Disruption of Education Process	●	●	●	●	●	●					
Dress Code violation	●	●									
Drug Paraphernalia					●	●	●	●	●		X
Drug Use/Influence					●	●	●	●	●		X
Falsification - Verbal/Written	●	●	●	●	●	●	●				
Felony Theft (\$1,500+)					●	●	●	●	●		X
Fighting				●	●	●	●	●	●		
Fire Alarm Incident		●	●	●	●	●	●				
Gambling - School Violation	●	●									
Inappropriate Behavior: Careless & Reckless Behavior	●	●	●	●	●	●					
Inappropriate Behavior: Disrespect Towards a Staff Member	●	●	●	●	●	●					
Inappropriate Behavior: Disrespect Towards a Student	●	●	●	●	●	●					

PROGRESSIVE DISCIPLINE MATRIX WITH STRATEGIES, APPROACHES AND RESPONSES TO UNEXPECTED BEHAVIOR

Inappropriate Behavior: Safety Violation	●	●	●	●	●	●						
Inappropriate Touching				●	●	●						
Inhalants					●	●	●	●	●			X
Instigation	●	●	●	●	●							
Leaving assigned area without permission	●	●	●	●	●	●						
Leaving school grounds without permission			●	●	●	●						
Loitering	●	●	●	●	●	●						
Medications: Inappropriate Possession and/or Use		●	●	●	●	●	●	●	●			X
Offensive Touching Employee Victim				●	●	●	●	●	●			X
Offensive Touching Student Victim				●	●	●	●	●	●			X
Pornography, Possession, & Production				●	●	●	●	●	●			X
Reckless Burning					●	●	●	●	●	●		
Sexual Harassment			●	●	●	●	●	●	●			X
State Law Reportable Offenses								●	●	●		X
Stealing	●	●	●	●	●	●	●					
Terroristic Threatening Employee Victim					●	●	●	●	●			X
Terroristic Threatening Student Victim					●	●	●	●	●			X
Tobacco/Vaping Possession and/or Use		●	●	●								X
Unauthorized Use of Cell Phone	●	●	●	●								
Unauthorized Use of Electronic Device	●	●	●	●								
Under 12: Assault III Employee Victim									●	●		X
Under 12: Assault III Student Victim							●	●	●	●		X
Under 12: Unlawful Sexual Contact III Employee Victim							●	●	●	●		X
Under 12: Unlawful Sexual Contact III Student Victim							●	●	●	●		X
Unsafe Item	●	●	●	●	●	●						

1. Students must make restitution for repairs or replacement of damaged or stolen property.
2. Students who are suspended will be restricted from participating in a variety of activities.
3. Many of the offenses listed above are also violations of Delaware State laws and are subject to prosecution.
4. The corrective actions listed above will normally be used for each offense at admin discretion. Other alternatives may be used in place of, or in addition to, the specific one(s) listed above, should circumstances warrant or the student require accommodations. Flagrant infractions will result in more severe consequences.
5. A counseling component may be added to any consequences as determined by appropriate staff. Special needs students may require a Functional Behavior Analysis.

PROGRESSIVE DISCIPLINE MATRIX WITH STRATEGIES, APPROACHES AND RESPONSES TO UNEXPECTED BEHAVIOR

MTSS Framework	Tier 1	Tier I with support staff/admin	Tier 2	Tier 2	Tier 2	Tier 3	Tier 3	Tier 3	Tier 3	Tier 3	
Restorative Practices Continuum	Informal	Informal	Informal	Informal	Formal	Formal	Formal	Formal	Formal	Formal	
Offense/Violation	Step 0	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Mandatory Police Reporting
Grades 6-12	Classroom Interventions	Referral & Supports/ Detention	½ Day ISS	1+ day ISS	1 day OSS	2 days OSS	3 days OSS	5 days OSS	5+ days OSS &/or optional Alternative Placement Recommendation	5+ days OSS and Recommend AP or expulsion	
Abusive/Inappropriate Language	●	●	●	●	●	●	●				
Academic Cheating	●	●	●	●							
Acceptable Use Policy/Misuse of Technology	●	●	●	●	●	●					
Alcohol Possession & Use									●	●	X
Bullying (Substantiated)				●	●	●	●	●	●		
Criminal Mischief (Vandalism)		●	●	●	●	●	●	●	●		X
Dangerous Instrument(s) - Possession/Concealment/Sale							●	●	●	●	X
Deadly Weapon(s) - Possession/Concealment/Sale									●	●	X
Defiance of School Authority	●	●	●	●	●	●					
Disruption of Education Process	●	●	●	●	●	●					
Dress Code violation	●	●	●	●							
Drug Dealing										●	X
Drug Paraphernalia									●	●	X
Drug Use/Influence									●	●	X
Falsification - Verbal/Written	●	●	●	●	●	●	●				
Felony Theft (\$1,500+)								●	●	●	X
Fighting								●	●	●	
Fire Alarm Incident					●	●	●	●			
Gambling - School Violation	●	●	●	●							
Hate Speech				●	●	●	●	●			
Inappropriate Behavior: Careless & Reckless Behavior	●	●	●	●	●	●					
Inappropriate Behavior: Disrespect towards a Staff Member	●	●	●	●	●						

PROGRESSIVE DISCIPLINE MATRIX WITH STRATEGIES, APPROACHES AND RESPONSES TO UNEXPECTED BEHAVIOR

Inappropriate Behavior: Disrespect towards a Student	●	●	●	●	●						
Inappropriate Behavior: Safety Violation	●	●	●	●	●						
Inappropriate Behavior: Violation of Behavioral Contract									●	●	
Inappropriate Touching					●	●	●	●			
Inhalants					●	●	●	●	●		X
Instigation			●	●	●	●	●	●	●		
Late to Class/School/Unexcused Tardy to School	●	●	●	●							
Leaving assigned area without permission		●	●	●							
Leaving school grounds without permission				●	●						
Loitering	●	●	●	●	●	●					
Medications: Inappropriate Possession and/or Use		●	●	●	●	●	●	●	●		X
Offensive Touching Employee Victim									●	●	X
Offensive Touching Student Victim				●	●	●	●	●	●	●	X
Pornography, Possession, & Production				●	●	●	●	●	●	●	X
Reckless Burning							●	●	●	●	X
Report: Attorney General (Off-campus offenses only)		●	●	●	●	●	●	●	●	●	
Sexual Harassment			●	●	●	●	●	●	●		X
Sexual Misconduct							●	●	●	●	X
Skiping class		●	●	●	●						
State Law Reportable Offenses								●	●	●	X
Stealing			●	●	●	●	●				
Tampering with Public Records				●	●	●	●	●	●	●	X
Teen Dating Violence							●	●	●	●	X
Terroristic Threatening Employee Victim									●	●	X
Terroristic Threatening Student Victim									●	●	X
Tobacco/Vaping Possession and/or Use			●	●	●	●	●	●	●		X

PROGRESSIVE DISCIPLINE MATRIX WITH STRATEGIES, APPROACHES AND RESPONSES TO UNEXPECTED BEHAVIOR

Trespassing - School Violation			●	●	●	●	●	●	●	●	
Unauthorized Use of Cell Phone	●	●	●	●							
Under 12: Assault III Student Victim							●	●	●	●	X
Under 12: Unlawful Sexual Contact III Employee Victim								●	●	●	X
Under 12: Unlawful Sexual Contact III Student Victim								●	●	●	X
Unsafe Driving		●	●	●	●						
Use of Profanity	●	●	●	●							

1. Students must make restitution for repairs or replacement of damaged or stolen property.
2. Students who are suspended will be restricted from participating in a variety of activities.
3. Many of the offenses listed above are also violations of Delaware State laws and are subject to prosecution.
4. The corrective actions listed above will normally be used for each offense at admin discretion. Other alternatives may be used in place of, or in addition to, the specific one(s) listed above, should circumstances warrant or the student require accommodations. Flagrant infractions will result in more severe consequences.
5. A counseling component may be added to any consequences as determined by appropriate staff. Special needs students may require a Functional Behavior Analysis.

Age Appropriate for Students in Grades K-5

Mandatory Reporting in eSchool

CHAPTER V

Disciplinary Procedures

DISCIPLINARY PROCEDURES

DUE PROCESS

Prior to any disciplinary response being put in place, the student shall be afforded due process to include:

1. Be given oral and written notice of the alleged offense and, if the offense is denied, be given an explanation of the evidence known to school authorities.
2. Be given the opportunity to present the student's side of the story. Students have the right to submit a statement in writing concerning any incident requiring discipline action, but are not required to do so. Reasonable efforts will be made to notify parents/guardians of students making written statements.
3. Have had prior opportunity to know that the alleged offense was in violation of established rules and regulations.
4. In cases of suspension, be advised that the disciplinary response may be appealed by students 18 years of age or older and/or parents to the next administrative level, District Office, or State Board of Education (SBE)

SBE appeals must be based on a written decision by the local school district board of education and will only be heard for suspensions of more than ten (10) days or offense expungement from a student's educational record.

STUDENT APPEAL

When the appeal procedure is used for a disciplinary action, the student shall follow the steps outlined below starting with Step 3. The conference indicated in Step 3 refers to the conference held between the student and disciplinarian in which a consequence for a given action has been determined by the disciplinarian.

1. The student, whenever possible, shall request a conference with the teacher or person(s) who allegedly treated the student unfairly. It is understood that there are occasional sensitive situations where discussions may begin with level two of this process. If the student's concern is with the Principal, this process may begin at level four.
2. If the conference does not resolve the complaint, the student may talk with any of the following: the department chairperson, a guidance counselor, a home/school liaison, school psychologist, or an Assistant Principal about resolving the complaint.
3. If the conferences fail to resolve the complaint, the student may file a written appeal with the Principal within five (5) school days of the conference.
4. If the Principal fails to resolve the complaint, the student shall, upon request, be given a written statement by the Principal stating the reason(s) for the decision. The request for the written statement will be made within five (5) school days of receipt of the verbal decision and will be provided to the student within five (5) school days of the date of the request.

The student wishing to appeal the Principal's decision must file a written appeal with the Superintendent no later than five (5) school days from the date of the Principal's written decision.

The Superintendent, or a designee, shall schedule a conference to hear the appeal no later than five (5) school days following receipt of the notice of appeal, and shall render a decision, in writing, no later than five (5) days after the appeal conference. The decision of the Superintendent is final.

DISTRICT-LEVEL EXPULSION HEARING

State regulations define expulsion as "...the exclusion of a pupil from school." Students expelled from any public school (in Delaware or any other state) are not permitted to attend any public school in Delaware during the period of expulsion. When a student commits a violation which may result in a recommendation for expulsion, the following procedures shall be followed:

Step I

1. The student shall be suspended for a minimum of five (5) school days.
2. The principal or designee shall make every effort to investigate all aspects of the discipline problem, including a conference with the student of the charges against him/her and to provide an opportunity to respond and to tell his/her side of the story. If possible, this conference shall be held prior to the student's suspension.
3. The principal or designee shall complete the investigation within three (3) school days of the incident.
4. If at the completion of the investigation the principal or designee concludes the student committed the offense and the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit the recommendation to the Superintendent. The recommendation must be accompanied by a summary of the principal's investigation and supported with other documentation attesting to supporting the violation.
5. If the Superintendent or designee does not concur with the recommendation for expulsion, alternative education placement may be issued to the student. The student and parent/guardian will be provided notification of alternative placement of which is not appealable to the Board of Education.
6. If the Superintendent or designee concurs with the recommendation for expulsion, the student's case will proceed to Step II. In addition, the student's suspension shall be extended pending a recommendation by the hearing officer as outlined in Step II of the hearing process.

Step II

1. The Superintendent or designee shall promptly (preferably within ten (10) school days from the date of the incident) notify the student and the student's parent(s)/guardian(s) of the recommendation to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion. For students with disabilities as defined by Federal and State law and regulations, the Superintendent or designee shall, within ten (10) school days from the date of the manifestation meeting, notify the student and the student's parent(s)/guardian(s) of intent to expel and of the date, time, and location for a formal hearing. The notice of recommendation to expel shall be sent by certified mail, stating the reasons for the expulsion and the time and place of the hearing. In addition, a copy of these procedures and the District Student Success Guide shall accompany the notice.
2. The formal hearing shall be held not less than seven (7) or more than twenty (20) school days promptly after the notice of intent to expel is given. An extension may be granted by agreement of all parties.
3. An impartial hearing officer shall conduct the formal hearing.
4. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The hearing officer, in conducting the hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witnesses shall be sworn by the hearing officer.

DISTRICT-LEVEL EXPULSION HEARING

The student shall have the following rights:

1. To be represented by counsel, at the student’s expense.
2. To question any witnesses who testify and to receive a copy of any statements or affidavits of such witnesses.
3. To request that any witness appear in person and answer questions or be cross-examined (Student witnesses will not be excused from school or allowed to testify unless their parent(s)/guardian(s) have given written permission prior to the hearings.). The district will make efforts to arrange the appearance of witnesses requested by the student to the extent the witnesses can offer relevant, non-repetitive testimony.
4. To testify and produce witnesses on his/her behalf.
5. To obtain, at the student’s expense, a copy of the transcript of the formal hearing.

Following the formal hearing, the hearing officer shall prepare a written report summarizing the evidence and stating conclusion of fact. If the hearing officer’s recommendation is not to expel, the Superintendent or designee may issue administrative action/placement of which is not appealable to the Board of Education.

OUT-OF-SCHOOL CONDUCT

The student discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of others. Such out-of-school conduct shall include, but is not limited to:

- Acts of violence which are punishable by law;
- Sexual offenses which are punishable by law; or
- The sale, transfer, or possession of drugs which would constitute an offense punishable by law.

The Superintendent is notified by the Attorney General’s office and/or law enforcement authorities whenever a student is arrested for committing a misdemeanor or a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be reviewed. The District may take disciplinary action as outlined above. The District will not wait for adjudication of said misdemeanor or felony to proceed with alternative placement or expulsion procedures. A finding of “not guilty”, nolle prosequi or dismissal of charges is not binding on the school district.

It is in the interest of the student concerned that there is a review of the case and that there is a means to assist in exploring educational options if needed. The review shall occur in accordance with the safeguards and consequences in the student codes of conduct. Please refer to the appropriate code of conduct for additional information including due process rights and possible options which may include alternative placement, suspension, and/or expulsion.

Students who are of school age, living within the District, and who are currently withdrawn from school will be subject to the provisions of this policy.

APPENDIX I

CHSD Glossary

DUE PROCESS

Some of the definitions that are used in the Student Code of Conduct reference Delaware Code. A complete listing of uniform definitions [can be found by clicking here:](#)

Absence - missing school time for either an excused or unexcused reason. Absences are reported and calculated by whole days or fractions adding to whole days.

Abusive/Inappropriate Language (S0301) - written or spoken language or gestures that are considered offensive, obscene, vulgar, derogatory, or disrespectful comments.

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

Academic Cheating (S0141) - fraudulent deception in preparing, or presenting course work or class assignments as a student's own work when it is not. This includes, but is not limited to: (1) copying another student's work, (2) unauthorized use of notes or sharing answers during a test, (3) presenting another person's work as one's own, or (4) presenting quotations, words or ideas without proper references or credit (plagiarism).

Act of Hate - any actions, language, or gestures against persons, groups, or property motivated by hate or bias based on race, religion, color, disability, sexual orientation, sex, age, gender identity, national origin, or ancestry.

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

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

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

Aggravated Assault - assault with a weapon or dangerous instrument.

Assault - recklessly or intentionally physically injuring another person.

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

Assault I & II (C0106 or C0107) - see Title 11, Delaware Criminal Code Chapter 5, Subchapter II, section 612 (Assault II) and 613. (Assault I)

Assault III (C0201) (D1701 OR D1702) - a person intentionally or recklessly causes physical injury to another person; or with criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

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

Attorney General Report/Out of school conduct - notification of off campus inappropriate student behavior. The District, as well as other school districts in Delaware, is notified by the Attorney General's Office and/or law enforcement authorities whenever a student is arrested for committing a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be reviewed. The District will take disciplinary action as outlined in the Student Code of Conduct if it is determined that the out-of-school conduct indicates the student presents a threat to the health, safety or welfare of other students and staff. Example: If a student is arrested for selling narcotics in the community, he may be expelled from school. Students need to realize that out-of-school behavior can result in expulsion from school or placement in an alternative program.

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

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

Breaking and Entering (S0272) - 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.

Bullying (D0701) - any intentional written, electronic, verbal or physical act or actions against another person that a reasonable person, under the circumstances should know will have the effect of: (1) placing a student, school volunteer, or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee. Cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community. 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim. 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials. (An act is intentional if it is the person's conscious objective to engage in conduct of that nature.) The Student Code of Conduct will be enforced for any verified act of bullying, as defined above, committed out of school against a Cape Henlopen School District student if the building administrator determines that the act of bullying interferes with the educational rights of another student and/or causes a substantial or material disruption of the school environment.

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

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

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

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

Code - the Student Code of Conduct.

Code of Conduct Violation: Off School Property (S0332) - inappropriate behavior outside of school property and at school sanctioned or supervised activities.

Code of Conduct Violation: Repeated (S0333) - 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.

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

Consensual Sexual Misconduct (S0108) - consensual acts of affection or intimacy inappropriate to an educational setting.

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

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

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

Dangerous Instrument(s) or Deadly Weapon Possession/Concealment/Sale (C0601 - C0626) - the unauthorized possession/concealment/sale by a student in the school environment of any instrument, article or substance which is readily capable of causing serious physical injury or death

State Code 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 (7) of this section or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person. "Deadly weapon" includes a "firearm", as defined in paragraph (12) 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 (4) 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.

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

Defiance of School Authority (S0081) - (1) verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) 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.

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

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

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

Discipline Letter Not Returned (S0191) - failure to return signed Office Discipline Referral may result in further disciplinary actions

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

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

Disruption of the Education Process (S0091) - language, gestures or actions that produce distractions, frictions or disturbances that interfere with effective functioning of the teacher, another student, a class, or any school activity.

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

Distribution of Drugs and/or Alcohol and/or Drug Paraphernalia (C0701 - C0713, D0501, D1201, D1301) - the sale, transfer, or distribution in school, on school property, or at school events of drugs, alcohol, paraphernalia, or look-alike substances to any other person, with or without the exchange of money or other valuable consideration.

District - the Cape Henlopen School District.

Dress Code Violation (S0291) - a direct violation of the set of rules which indicates the approved manner of dress. Students are required to adhere to the dress code that is outlined in Chapter I, Student Dress. When a student is in violation, he/she will be required to change into acceptable attire and may not be allowed to return to class until in compliance.

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

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

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

Drug Use/Influence - shall mean that a student is reasonably known to have voluntarily ingested, smoked or otherwise assimilated alcohol, a drug or a drug-like substance, or is reasonably found to be under the influence of such a substance.

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

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

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

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

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

Extortion (C0141) - To obtain or attempt to obtain money, goods, services, or information from another by force or threat of force.

False Alarm/Bomb Threat - intentional untrue warning signal.

Failure to Perform Properly in In-school Suspension (S0201) - student violates the Code of Conduct while assigned to a designated, supervised area within the school.

Failure to Provide Identity When Requested (S0211) - the act of not identifying one's self to school personnel or emergency crew members with your legally proper name when requested.

Failure to Report for Disciplinary Action (S0231) - disciplinary actions are required obligations to be served at the building with the assigned school personnel. Failure to report will result in further disciplinary action.

Falsification: Verbal (S0321) or Written (S0322) - falsely or fraudulently signing or altering a document such as hall pass, early dismissal note, progress report, absence excuse, etc. Falsification shall also include impersonating another person or falsely identifying oneself or others. Falsification shall also include providing false information pertaining to another person or incident.

Felony Theft (D0601) - the taking, exercising control over, or obtaining property in excess of \$1,500 of another person intending to deprive that person of it or appropriating it without permission from the owner.

Fighting (D1101) - a mutual participation in a physical altercation or act of physical aggression with the exchange of hitting that may or may not result in injury

Fire Alarm Incident (S0151) - tampering with and/or unauthorized use of a fire alarm device.

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

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

Gambling- School Violation (S0241) - participation in games of chance for money or other items of value on school property or at school sponsored events.

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

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

Hate Speech - See Act of Hate

Hazing - See Anti-Hazing/Hazing Policy section.

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

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

Improper Use of Free/Reduced Lunch Card (S0251) - use of an unassigned ID to purchase a reduced lunch or obtain a free lunch.

Inappropriate Behavior (S0101) - any behavior that is not appropriate for School Environment and interferes with the effective functioning of the members of the school community.

Inappropriate Behavior: Careless or Reckless Behavior (S0107) – unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or has the potential to cause injury or property damage.

Inappropriate Behavior: Consensual Sexual Misconduct (S0108) - consensual sexual act(s) between two individuals within the school environment.

Inappropriate Behavior: Disrespect Towards a Staff Member (S0104) – behavior that disturbs and/or offends and is directed at or in regard to a staff member that is rude, unpleasant, discourteous and/or inappropriate.

Inappropriate Behavior: Disrespect Towards a Student (S0105) - behavior that disturbs and/or offends and is directed at another student that is rude, unpleasant, discourteous and/or inappropriate, causing distress.

Inappropriate Behavior: Plan to Violate Code of Conduct (S0106) - any student who aids, is involved with the planning, or helps another student in any way in an act which violates the Student Code of Conduct

Inappropriate Behavior: Safety Violation (S0102) - any behavior that is not appropriate for school and has the potential to put themselves or others in danger.

Inappropriate Behavior: Violation of Behavioral Contract (S0103) - repeated behavior that is defined within a contract that could result in serious disciplinary action including but not limited to suspension, expulsion, or placement in an alternative program.

Inappropriate Touching - touching another person in such a way as to cause discomfort, not suitable or appropriate for the school environment - (inclusive of minor sexual contact whether consensual or not)

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

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

Instigation (S0302) - behavior which is likely to insight or produce aggressive or physical conflict between two or more individuals.

Leaving Assigned Area Without Permission (S0052) - any student leaving their assigned area without authorization from a staff member.

Leaving School Grounds Without Permission (S0051) - once a student arrives at the school campus, he/she may not leave unless authorized to do so, until the end of the student's scheduled day. The parking lot is off limits during school hours. Returning to school after leaving without permission may be considered reasonable suspicion to conduct a search.

Loitering (S0071) - a student's unauthorized presence in any school area.

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

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

Lying - intentional distortion of the facts.

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

Medications: Inappropriate Use of Possession (D1601) - possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612

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

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

Misuse of Technology (S0181) - the use of school technology equipment in: (1) Soliciting, using, receiving or sending violent, pornographic, obscene, and/or inappropriate material for the academic setting; or (2) as part of violating or in violation of any federal, state or local law, ordinance, or regulation, or as part of any illegal activity. (For purposes of this section, "inappropriate material" shall be deemed to be any material which is disruptive of the educational process, as well as any material which may be deemed or constitute cyber-bullying) or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment. **SEVERE CLAUSE:** 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.

NCAA - National Collegiate Athletic Association

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

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

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

Offensive Touching- Student Victim (D0801) - intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

Offensive Touching- Employee Victim (D0802) - intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

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

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

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

Pornography Possession and/or Production (D0101) - possession, sharing, or production of any known obscene material in the School Environment.

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

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

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

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

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

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

Rape or Attempted Rape or Sexual Assault (C0120 – C0128) - see CHSD School Board Policy 225. See DE Criminal Code Title 11, Chapter 5, Subchapter II, Sections 762-780.

Reckless Burning (S0152, C0133, C0134) - intentionally or recklessly starting a fire or causing an explosion that places a building or property in danger of destruction or damage or places another person in danger of physical injury.

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

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

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

Report: Attorney General (S0161) (off-campus offenses only) - Department of Justice's report of out-of-school or in-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.

Report: CDAP (S0162) – use of Consortium Discipline Alternative Program procedures set forth in Delaware Department of Education's Regulation 616.

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

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

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

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

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

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

Sexual Harassment (D1001) - see CHSD School Board Policies 222 and 223.

Sexual Misconduct (S0108) - any sexual act including but not limited to: indecent exposure, unlawful sexual contact, incest, sexual extortion, rape, any sexual offense against a minor.

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

Skipping Class (S0041) - any time a student is present in school but does not attend class. Any unexcused absence for more than ten (10) minutes of a class may be considered skipping class. Repeated offenses will be considered defiance and treated as such.

Stealing (S0111) - the taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriating it without permission from the owner. under \$1500?

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

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

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

Tampering with Public Records (D0401) – a person is guilty of tampering with public records in the first degree when, with intent to defraud, and knowing that the person does not have the authority of anyone entitled to grant it, the person knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in or otherwise constituting a record of a public office or public servant.

Tardiness: Late to School (S0031)/ to Class (S0032) - three (3) unexcused tardy to school or to a class without authorization or approved reason.

Teen Dating Violence (D2011) - any assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.

Terroristic Threatening (Student Victim D0901) (Employee Victim D0902) - when (1) A person threatens to commit any Crime likely to result in death or serious injury to person or property; 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 injury. *Terroristic Threatening - Security Threat: When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the school environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the school environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the school environment.*

Theft - stealing

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

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

Tobacco Possession and Use (D1401) - using, possessing, or dispensing of any tobacco product or tobacco like products. This could include, but is not limited to, cigarettes, cigars, snuff, chewing tobacco, vaporizer pen, or electronic cigarette.

Trespassing- School Violation (S0271) - a student knowingly or unknowingly is in a Cape Henlopen School District area without a legitimate purpose, without having written permission from anyone authorized to grant such permission.

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

Unauthorized Use of Cell Phone or Electronic Devices (S0311-S0314) - electronic devices not provided by the school are prohibited during the school day and at designated school events. This includes, but is not limited to, the unauthorized recording or posting online of audio/video/or still images. Cell phones/electronic devices must be turned off and put away during the school day. The district shall not be responsible for lost or stolen electronic devices.

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

Unexcused Absence/Truancy (S0021-S0023) - an absence for a reason other than the twelve (12) valid reasons and/or absence without a note. Repeated offenses may result in contact from the visiting teacher or legal action and could be considered defiance and treated as such. An unexcused absence may result in no credit for the missed school work.

Unlawful Sexual Contact (D1801, D1802, C0301, C0120, C0121) - "Sexual contact" means:

1. Any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person; or
 2. Any intentional touching of another person with the defendant's anus, breast, buttocks or genitalia; or
 3. Intentionally causing or allowing another person to touch the defendant's anus, breast, buttocks or genitalia which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature.
- "Sexual contact" shall also include touching when covered by clothing.

See Delaware Criminal Code Title 11, Chapter 5, Subchapter 2, Section 767 - 769.

Unprepared for Class (S0282) - a habit or pattern of chronic unpreparedness for classes.

Unprepared for Physical Education (S0281) - a habit or pattern of chronic unpreparedness for physical education classes.

Unsafe Driving: School Violation Code (S0121) – driving any vehicle on school property or in a school zone in willful disregard for the safety of persons or property.

Unsafe Driving: Parking Violation (S0122) – unauthorized parking of any vehicle on school property. A vehicle without a student parking permit is subject to search and towing.

Unsafe Item (S0131) - any item or device that may be deemed by building staff as unsafe, disruptive or having the potential for causing disruption (not a weapon).

Unsafe Item: Fireworks/Firecracker (S0132) – possession, distribution or use of any fireworks, firecrackers, rockets, Roman candles, fire balloons, or other fireworks or substances of any combination designed or intended for pyrotechnic display.

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

Use and/or Possession of a Drug and/or Alcohol and/or Drug Paraphernalia (C0701-C0713, D0501, D0502, D1201, D1301) – a student unlawfully possesses, uses or is under the influence of alcohol, a drug, inhalant, drug paraphernalia (including a vaporizer pen), or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

Use of Profanity (S0011) - any written or spoken profane language.

Vandalism - willful or malicious destruction or defacement of property.

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

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

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

APPENDIX II

CHSD Policy on Possession of Firearms

CHSD POLICY ON POSSESSION OF FIREARMS

In compliance with the Federal “Gun Free Schools Act of 1994 and Delaware State Regulation 603 the Cape Henlopen School District adopts the following policy: Possession of a firearm on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period not less than 180 days. The Superintendent shall modify such expulsion requirements to the extent a modification is required by Federal or State Law. The procedures to implement this policy will be the student expulsion procedures outlined in the District’s Student Code of Conduct. For purposes of this policy, “firearm” as defined in Section 921 of Title 18, United States Code.

APPENDIX III

CHSD Drug & Alcohol Policy

CHSD DRUG & ALCOHOL POLICY

The Board of Education believes that drugs, alcohol and steroids have no place in the school environment and should be prohibited. This policy reflects the desire and intent of the Board to encourage Cape Henlopen students with substance abuse problems to come forward and seek help with treatment and counseling. It should be understood that state and District policies shall apply to all students except that with respect to disabled students, the Federal Law will be followed and determination of whether the violation of the drug, alcohol and steroid policy was due to the student's disabling condition will be made prior to any discipline or change of placement in connection with the policy. The objectives of this policy are four-fold:

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

In alignment with state Regulation 612, the following policy on the possession, use or distribution of drugs and alcohol shall apply to all Cape Henlopen School District schools:

The Board recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the whole school community. The Board, accordingly, prohibits the possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia because they are wrong and harmful to students. The Board considers offenses related to drugs and alcohol very serious both for individuals involved and for the welfare of other students in the District.

Therefore, the following rules and regulations have been developed:

1. Any student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance, alcohol, a look-alike substance and/or drug paraphernalia while on school property or at school-related activities will be subject to the Code of Conduct's disciplinary matrix. The investigation leading to the recommendation for discipline will be conducted at the school level by the discipline team led by the Principal or designee.

The school recommendation will be reviewed at the District level. In cases involving special education students, the Board may, at its discretion, waive a hearing and accept the recommendation of the Individualized Education Program (IEP) Team of the particular school.

2. Discipline shall be in accordance with due process rights and on the evidence presented by the administration. The student will be expelled for a term not to exceed one (1) calendar year from the date of the decision. The District will assist the family in exploring alternative educational options for the expelled student upon the request of the student and/or their parent/guardian. Students desiring credit for alternative education courses toward a high school diploma must have prior approval from the Cape Henlopen School District.
3. All violations of this policy are to be immediately reported to the school Principal who will verbally notify the student's parent(s)/guardian(s) of the investigation. In all cases, The Youth Aid Division of the Delaware State Police will also be contacted. At all times the student's due process rights and confidentiality rights are to be respected but after an informal meeting with the student, the Principal has the authority to suspend the student for up to ten (10) school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(s)/guardian(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the District Office (To the Administrator Designee/Superintendent)

If the violation results in a recommendation for expulsion, the appropriate director will notify the student's parent(s)/guardian(s) in writing and identify the time and place of the student's hearing. This hearing should be held within ten (10) school days from the beginning of the student(s) suspension. If an exception is made to the timeline, the school Board will provide homebound instruction to the student until such time as the Board or its hearing officer can convene to hear the student's case.

4. All alcohol, drugs, drug-like substances, like-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or designee and be made available for identification. All substances shall be sealed and documented and turned over to the police as potential evidence. A request for⁴⁶ analysis shall be made where appropriate.

5. Students are responsible for their own actions. Students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student's actions in accordance with this policy.
6. Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, shall be suspended from school for a minimum of five (5) days and suspended also from all participation in extracurricular activities, including sports and marching bands, for the remainder of the school year. Any student who violated the above policy more than one (1) time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and marching band, for one (1) calendar year from the date of the second incident. This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Cape Henlopen School Board. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Cape Henlopen School District's Discipline Policy. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are:
 - a. Those prescribed to a student by a licensed provider, or
 - b. Those which can be purchased over the counter for which the student has written permission from his/her parent or guardian

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

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

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

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

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

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

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:

- the express representation that the substance is a controlled substance; or the express representation that the substance is of such nature or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substances; or
- circumstances which would lead a reasonable person to believe that the substance was a controlled substance.

It is prima facie evidence of such circumstances if any two of the following factors are established:

- the noncontrolled substance is packaged in a manner normally used for illegal delivery substances;
- the delivery or attempted delivery included an exchange or demand for money or other valuable property as consideration for delivery of the substance, and the amount of such consideration was substantially in excess of the reasonable value of the non-controlled substance;
- the physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.

Once intent to use, possess, or transfer a noncontrolled substance as a controlled substance is established, refer to the discipline matrix for appropriate penalties.

APPENDIX IV

Additional Information

ADDITIONAL INFORMATION

HALL PASSES

In order to get the most benefit from classes, it is necessary that a student be in attendance. The use of these hall passes is a privilege, not a right. Teachers will set individual policies on their requirements for being allowed to leave the classroom.

Students who must see the nurse on a regular basis for medication or treatment will be given appropriate documentation through the nurse and/or teacher. The documentation will indicate the regular time that the student is supposed to report to the nurse's office. Students who are requested to go to the guidance office or the discipline dean will be issued separate passes from those offices.

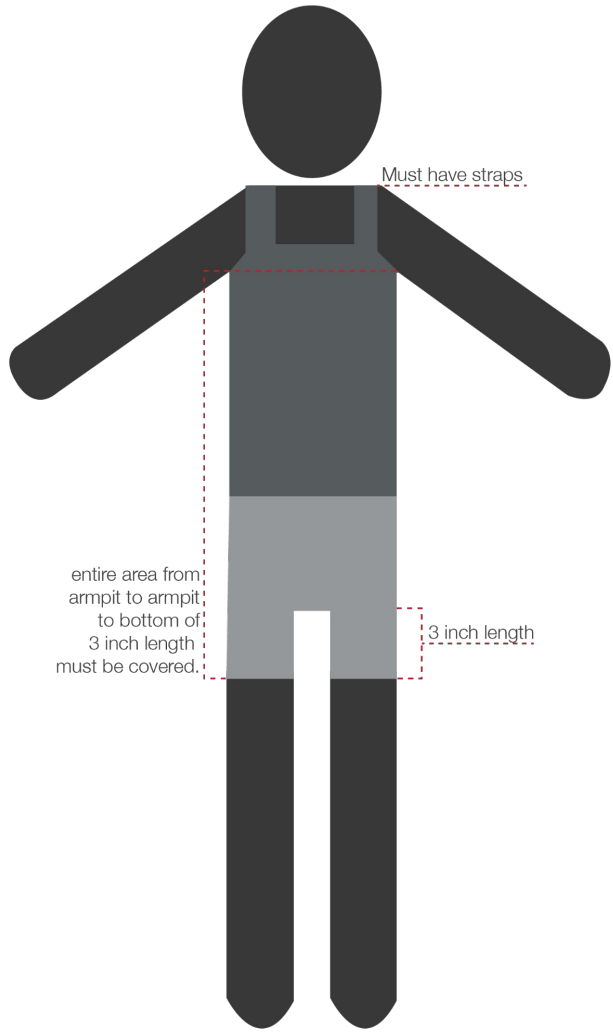
LUNCHROOM GUIDELINES

No food is to be taken from the cafeteria or eaten in any other area of the school.

The 30-minute lunch period is to be spent entirely in the cafeteria. Students may sit anywhere. Students are free to talk quietly with those around them. Shouting and excessive movement from table to table is prohibited. Teachers/paraprofessionals have been assigned to supervise the lunch-line behavior in the cafeteria. Students are expected to show them respect and cooperate with any requests that the supervising staff might make. Students are not permitted to break in the lunch line or allow others to do so.

Students must not leave the cafeteria without permission in advance from one of the cafeteria supervisors.

DRESS CODE - VISUAL



CELL PHONES

- Cell phones or other communication devices (e.g. watch) must be off and away during the school day (students at the high school will be allowed to use the phones during breakfast and lunch). Efforts will be made to provide warnings and coaching opportunities for students who violate the cell phone policy. After a warning:
 - 1st offense the student phone will be turned in to the office, the parent will receive a phone call, and the student may retrieve at the end of the day along with consequences outlined in the Discipline Matrix (see pages 25 and 27)
 - 2nd offense and every offense after the student's cell phone will be turned into the office, the parent will receive a phone call, and the parent will need to pick the cell phone up in the main office along with consequences outlined in the Discipline Matrix (see pages 25 and 27)