

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963
POLICY 5407

STUDENT RIGHTS - ESTABLISHMENT OF DISCIPLINE SYSTEM

The Milford School District will develop, implement, and maintain with necessary modification, a discipline system. The discipline system will identify rules and regulations establishing appropriate conduct and behavior in the Milford School District schools and areas of authority. This document will be known as The Milford School District Code of Conduct Policy 5404.

Student Code of Conduct

The Milford School District Code of Conduct should emphasize the constitutional rights of students and respect for the school and school officials. The code of conduct will follow local, state, and federal regulations and laws.

The code of conduct will be written in clear and precise language. It will be offered in various languages to meet the needs of our students and their families.

The student code of conduct is an official declaration of the Milford School District Board of Education which:

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

The Milford School District subscribes to the philosophy of progressive discipline and recognizes and expects that teachers must use consistent and effective classroom management skills and strategies to handle classroom behaviors and disruptions. Those skills and strategies include, but are not limited to, seat changes, teacher proximity, positive reinforcement, establishing, reviewing, and reteaching classroom and school expectations, visual schedules, conversations with students (both with and without parent/guardian), access to calming areas, verbal and written warnings, behavior contracts, and time outs.

Therefore, each school administrator has the discretion to determine the necessary punitive action based upon the severity and/or regularity of each offense. Each school administrator (or designee) will select among the punitive action options outlined for each infraction in the student code of conduct. The consequences listed in this code do not have to be used sequentially. The options listed below can be applied or not applied as discipline at the discretion of the specific administrator, school administrative team,

and/or district administrative team. Provisions in the student code of conduct apply to all students grades K-12. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. Students have a greater responsibility for their actions as they increase in age.

Access to Code of Conduct

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

Student Due Process Rights

Students' rights as regulated in Delaware Title 14 Regulation 600-616 shall be followed in the Milford School District Code of Conduct Policy 5404.

Pursuant to Del. C. 14 § 600 – 616, All students must be informed of the violation(s) and the range of disciplinary actions that can accompany the violation(s). Each student involved in a situation which may result in a disciplinary action must be given the following due process by the administrator or designee:

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

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

Students and their parent/guardian, as their representative, are afforded the right to appeal assigned discipline. A student appeal procedure is a mechanism by which a student may seek to remedy the situation where they feel they were not afforded due process, an incorrect consequence per the code of conduct was given, there is insufficient evidence for the charge, and/or the incorrect charge was used. An appeal can be filed if a student has not been able to obtain a resolution in a less formal manner. The appeal process can be found in Board Policy 5404, Student Code of Conduct.

Due Process Delay Provision

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

Severity Clause

The student code of conduct is not all-inclusive, and a student committing an act of misconduct not listed as a violation may be subject to disciplinary action at the authority of superintendent of designee. Any behavior that necessitates a more severe disciplinary action shall be subject to the discretionary authority of the superintendent of their designee.

Students with Disabilities or 504 Plans

Suspension For Less Than 10 Days

All students with disabilities or 504 plans who are suspended for 10 days in the same school year or less shall be afforded the same due process rights as all pupils in the district with respect to short-term suspensions.

Suspension For More Than 10 Days

If a child with a disability or 504 plan violates the code of conduct and the consequence will result in the student being suspended or removed from school for more than 10 school days for one offense, or more than 10 cumulative days for similar offenses, such removals are considered a change of placement. This would also be the case if a long-term suspension in the form of an alternative placement or expulsion is sought for a student with an individual education plan or 504 plan.

The 10-Day Rule Includes:

- In-school suspensions- if the student misses more than 50% of their regular classroom time **or** where instructional support is not provided by a special educator.
- Suspension from transportation- when it results in the student's absence from school for more than 10 days, either consecutively or cumulatively.
- Other removals, exclusions, or withdraws from the classroom for greater than 50% of the day (including being sent home from school)- when they occur because of a behavior, whether associated with a discipline referral or not. This includes removals as a part of any behavior contract or intervention plan that is not a formal part of the student's IEP/504.

For the purpose of this policy, once a student reaches eight (8) consecutive or cumulative days of suspension as defined in this section, the IEP/504 team must do the following:

Send prior written notice and procedural safeguards to the parent: On the date in which the decision is made to make a removal that constitutes (or will constitute) a change of placement for a child with a disability or 504 due to a violation of the student code of conduct, the school shall notify the parents of that decision in writing and provide the applicable procedural safeguards.

Provide student with educational services: A child with a disability or 504 who is removed from their current placement shall continue to receive educational services, starting after

the 10th day of removal, to enable the child to continue to participate in the general education curriculum, although outside of the regular school day/setting, to progress toward meeting the goals in the child's IEP.

Conduct a manifestation determination meeting: The IEP/504 team must convene within ten school days of the change in placement. The student's discipline record summary, school data and school staff observations as well as parent input will be considered at the IEP/504 meeting. The team shall determine:

- If the conduct in question **was** caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the District's failure to implement the student's IEP or 504 Plan.
- If the District, the parent, and relevant members of the IEP/504 team make the determination that the conduct was a manifestation of the child's disability/medical condition, the team shall either:
 - Conduct a functional behavioral assessment, unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
 - If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and
 - Except for special circumstances outlined in 14 DE Admin. C. 926.30.7, return the child to the placement from which the child was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.
 - The team shall complete the Manifestation Determination Form and develop a plan outlining a future course of action to be taken. The team decision and course of action shall be documented in the meeting minutes.
- If the behavior **was not** a manifestation of the disability or medical condition, the student will be subject to the code of conduct and applicable discipline.
 - The team shall document the decision on the Manifestation Determination Form and in the meeting minutes.

Notification of District Administration

After a manifestation meeting is held, the school principal or special education designee should notify the director of student services to review and discuss the plan that was developed at the meeting.

Bus Offenses

Students with disabilities and 504 plans shall be subject to the provisions in the Code of Conduct Board Policy 5404. When the total days of bus suspensions for the year exceed ten (10) and the parent is unable to provide transportation, alternative bus transportation should be considered. To arrange for alternative transportation, the principal or special education designee shall notify the director of student services. Long-term alternative transportation needs should be determined by the IEP/504 team.

Evaluation of the Discipline System

The Code of Conduct will be reviewed annually and modified when necessary. During this review, students, staff, and parent voice will be sought and all stakeholders will be given an opportunity to participate in the review and modification of the Code of Conduct. Recommended modifications to the Code of Conduct Policy 5404 will be referred to the Milford School District Board of Education for action.

Discipline Data Review

The School Climate and Safety Department shall annually prepare and present to the Milford Board of Education, a comprehensive discipline report that includes each schools' number of referrals by discipline code and the consequences imposed by identified subgroups per the State of Delaware School Discipline Improvement Plan (SDIP) regulation.

The Board and Administration shall use this data to determine the equity, effectiveness, and fairness of its discipline code/procedures. The annual review of this data shall occur between August and September of each school year, shall be done at a regularly scheduled board meeting, and shall be for the purpose of eliciting suggestions and recommendations for insuring equity, fairness, and effectiveness of the student discipline system. Data presented shall include the number of referrals by identified subgroups, number of resulting detentions, in-school suspensions, out-of-school suspensions, alternative school placements and expulsions, number of referrals rejected based on merit, and the number of resulting police contacts and actions.

Student Behavior Resulting in Alternative Placement and/or Expulsion

Alternative Placement

The Milford School District will conduct alternative placement team meetings when a student commits a violation of the Milford School District Code of Conduct that lists alternative placement process as a possible or mandatory consequence. Alternative placement process is outlined in the Student Code of Conduct, Board Policy 5404, and will follow all required due process procedures outlined in Del. C. 14 § 600 – 616.

Expulsion

The superintendent of the Milford School District will decide if an expulsion should be sought for a code of conduct violation. If the superintendent requests expulsion, Board Policy 5404, and Del. C. 14 § 600 – 616 will be followed regarding expulsions and the

school climate and safety supervisor will conduct the discipline hearing with a third-party hearing officer. The third-party hearing officer will make a recommendation of action that will be taken to executive session at the next scheduled board meeting and the Milford School District Board of Education will vote on the motion to expel the student.

Multi-tiered Systems of Support (MTSS) and Student Support Team (SST)

Each school will conduct SST meetings per the MTSS problem solving cycle to identify, discuss, and create Positive Behavior Intervention Plans (PBIP) for identified students who have chronic discipline issues. This shall occur before a school administrative team refers a student to alternative placement team for chronic discipline and repeated code of conduct violations. The PBIP should be put in place for any student who commits a serious code of conduct violation but are not alternatively placed as a consequence.

ADOPTED: April 14, 1975.

AMENDED: 3/21/77; 2/27/78; 7/21/86; 5/18/87; 6/27/94

REVISED: 7/1/24