

THE BRANDYWINE SCHOOL DISTRICT



STUDENT CODE OF CONDUCT

2026-27



Student Code of Conduct

Parent/Student Acknowledgment Form

The Brandywine School District Student Code of Conduct provides students, parents, staff and community members with the District's expectations and protocols governing student behavior, attendance, use of technology, and other aspects of students' daily school experience. Academic, social, and emotional outcomes for students are maximized when the student, parents/guardians, and school partner together, each supporting the others for the benefit of all. This partnership begins with a firm understanding of expectations among all three parties to minimize conflict, support each other's efforts, and ensure that the investments made lead to positive outcomes for the student. To this end, it is essential that every student, parent/guardian, and BSD staff member understand and follow the expectations and protocols contained in the Student Code of Conduct.

We kindly ask that this sheet be signed and returned to your child's homeroom teacher by September 14, 2026, signifying that both student and parent/guardian have received and reviewed the 2026-2027 BSD Code of Student Conduct.

Thank you in advance for your cooperation and support. It's going to be a great school year.

Return the signed sheet to your child's homeroom teacher by September 14, 2026.

As the parent/guardian of the student listed below, I have reviewed and discussed the Brandywine School District Code of Conduct with my child. We understand the Code and the Board Policies it referenced apply to all students at all times on all Brandywine School District property, including all school buildings, in all school vehicles, while using District technology devices, and at all school-related or Board-sponsored activities including, but not limited to, school field trips and school-sponsored sporting events, whether held on school property or at locations off school property.

By signing below, I am confirming that I have received and reviewed the Brandywine School District's Student Code of Conduct with my child. I will make every effort to:

- Ensure that my child abides by the Code of Conduct and Brandywine School District's Acceptable Use Agreement;
- Ensure that my child attends regularly and on time, and
- Provide acceptable written documentation for the reasons for any absences and lateness.

Student's Name: _____

School: _____

Grade: _____

Parent/Guardian's Name _____

(Student's Signature) (Date)

(Parent/Guardian Signature) (Date)

Return the signed sheet to your child's homeroom teacher by September 14, 2026.



Brandywine School District

Photo and Video Opt-Out

At Brandywine School District, we love to share stories of the great work that is happening at our schools each and every day. We tell these stories by taking photos and videos and using them on our website, social media channels, direct mailings, and other communications materials.

Additionally, sometimes our local media outlets will also ask to attend school-based events for their own coverage of our amazing schools and students.

We are using this form as an **OPT OUT** for our families. **This means if you DO NOT want your child to participate in photography or videography at this school PLEASE SIGN AND RETURN THIS FORM.**

If you would like for your child to participate in photography and videography at their school, there is no need to return this form.

Again, this form only needs to be returned if you DO NOT want your child to participate in photos and videos at their school. We ask for parents choosing to OPT OUT to return this form to your child's school by September 14, 2026.

Student's Name: _____
(Last) (First) (Middle)

Parent/Guardian's Name _____
(Last) (First) (M.I.)

Student School & Grade: _____
(School Name) (Grade)

(Signature of Parent/Legal Guardian) (Date)

It is the directive of the Board of Education that the Brandywine School District shall not discriminate in its employment practices or its educational programs and activities for students on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, disability, age, veteran status or other legally protected characteristic. All policies, regulations and practices of the District shall be guided by this directive.

Return the signed sheet to your child's homeroom teacher by September 14, 2026.





STUDENT CODE OF CONDUCT

Student Rights and Responsibilities Grades K-12 School Year 2026-2027

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



BRANDYWINE SCHOOL DISTRICT BOARD MEMBERS

Jason Heller, *President*

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DISTRICT ADMINISTRATION

Lisa A. Lawson, Ed.D., *Superintendent of Schools*

Kenneth Rivera, Ed.D., *Assistant Superintendent*

Brandywine School District

1311 Brandywine Blvd.

Wilmington, DE 19809

(302) 793-5000

Mission:

Our mission at Brandywine School District is to embrace, inspire, and challenge every student every day.

Vision:

Our vision is to educate all students to the highest levels of academic achievement, to enable them to reach and expand their potential, and to prepare them to become proud members of our strong community.

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WELCOME TO THE BRANDYWINE SCHOOL DISTRICT

The goal of the Brandywine School District (the District) is to provide all students with rich and meaningful learning opportunities that meet the needs of each individual student and ensure that each BSD graduate possesses the knowledge, skills, and attributes to not only meet the demands of postsecondary education or immediate entry to the workforce, but have a distinct advantage as a direct result of BSD programming.

To achieve this objective, BSD schools must be free from disruptions that interfere with teaching and learning activities. Students, parents/guardians, and school staff must assume a responsible role in creating a positive learning environment and promoting behavior that encourages the academic, social, and emotional growth of all students.

Students, parents/guardians, and staff are encouraged to become familiar with the entire contents of this document.

INTRODUCTION

The Brandywine School District is committed to ensuring all students:

- feel welcomed and are excited about learning;
- believe that their teachers, administration, and other staff in the school support them so that they can achieve their best;
- are treated in an equitable and fair manner;
- are technology literate and able to meet the demands of a 21st century workforce and lifestyle;
- are provided with opportunities for social and emotional growth embedded in academic learning;
- are provided with learning environments and classrooms that are positive and safe;
- understand that they are contributing members not only of a school community, but also of our community at-large;
- understand that rules and laws exist for their protection, and compliance is required for the good of all;
- learn and grow through the application of the Student Code of Conduct.

Educating the whole child is a core belief of the Brandywine School District and serves as a foundational element on which all programming and functions of the District are built. To effectively educate the whole child, the Brandywine School District understands the need to be intentional and have a specific focus, not only on academic growth, but also equally important, social and emotional growth and development. To maximize the growth and development of the whole child, it is essential that parents/guardians and the school form a working partnership focused on the child.

To this end, the District will provide direct learning opportunities to develop students' understanding and skills in the areas of problem-solving, social skills, appropriate interaction with peers and adults, and self-advocacy. In addition, the District will use the application of the Code of Conduct as a means of social and emotional development. Infractions of the Code of Conduct must be viewed by both the school and parent as serious and as learning opportunities for the student. As teachable

moments present themselves when Code of Conduct violations occur, the learning experience for students will only be as valuable as the partnership between the school and home. Working together in partnership ensures better outcomes for students and supports their growth and development as productive members of society. Failure on either party to use violations to teach and improve future outcomes for the student sends mixed messages to the child and significantly impacts the desired growth and development. For this reason, it is essential that parents and schools work together, through the smallest of infractions to those with significant consequences, to co-teach valuable life lessons to ensure the whole child grows and matures as a result of school experiences.

WHAT IS THE STUDENT CODE OF CONDUCT?

The Student Code of Conduct is an official declaration of the Brandywine School District Board of Education (the School Board) which:

- specifies the responsibilities and rights of students;
- defines attendance responsibilities;
- defines conduct that is expected to maintain a positive and safe learning environment;
- provides standardized procedures for disciplinary action;
- defines grievance procedures;
- incorporates excerpts from State and Federal laws and regulations.

Provisions in the Student Code of Conduct apply to all students in Grades K-12, including those who are in the District's 18 to 22 year old program. The Student Code of Conduct is not applicable to our preschool and prekindergarten students. In all instances, school discipline should be reasonable, timely, equitable, age-appropriate, and consequences should match the severity of the student's behavior.

A copy of the Student Code of Conduct is given to each student upon school entry. Orientation to the Student Code of Conduct is held in each school at the beginning of the school year.

WHEN IS THE STUDENT CODE OF CONDUCT APPLICABLE?

The Student Code of Conduct is applied:

- on school property prior to, during, and following regular school hours;
- while students are at the bus stop, on a school bus or in a District vehicle for any purpose;
- at all school-sponsored events and other activities at which school Administrators/staff have supervision or responsibility of students.

OUT-OF-SCHOOL CONDUCT

The Code of Conduct 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, and welfare of other students, or to the reputation of a school or the District. 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;
- the sale, transfer, or possession of drugs which would constitute an offense punishable by law;
- felony charges.

Additionally, the Principal/designee is authorized to take administrative action when a student's misconduct to and from school has a harmful effect on other students, the community, or the orderly conduct of school business.

Day(s) as used in this document is defined as a day(s) in which school is in session. When school is out of session, such as during the winter, spring, or summer breaks, the time limits shall be used as guidelines, but not requirements.

WHAT IS A POSITIVE SCHOOL LEARNING ENVIRONMENT?

A positive school environment is best described as:

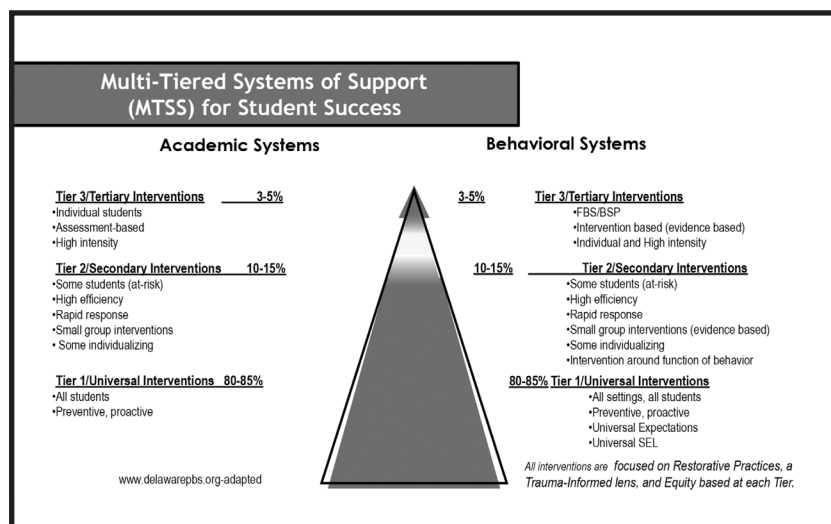
- safe and supportive;
- providing a range of engaging and meaningful educational opportunities;
- utilizing a multi-tiered system of supports (MTSS) for students within both academic and behavioral, social-emotional, cultural domains of learning;
- protecting students from behavior which threatens their health, safety, or welfare, or which interferes with learning;
- free of drugs, weapons and other illegal activities;
- respectful of diversity among students and teachers.

It is also the presence of a friendly, yet business-like, atmosphere in which students and school personnel work cooperatively toward recognized and acceptable goals. A positive school environment is free from distractions, friction, and disturbances. Utilizing a Multi-tiered System of Support (MTSS) process, which includes MTSS Tier 1, school-wide behavior expectations, the school staff establishes common expectations for student behavior and social interaction. These expectations are explicitly taught to students and reviewed in context throughout the course of the year. As students internalize these expectations, they will display them naturally and without prompting. MTSS, tier 1 behavior capitalizes on the public display of positive behavior that meets expectations and provides recognition of students' efforts. It also shows appreciative affirmation of social and emotional growth, and allows the efforts of students to serve as a model for others to follow. This positive reinforcement affirms the students' growth similar to receiving a high grade and/or positive praise on a homework assignment or project.

Like all expectations, the value lies in helping students understand the need and impact on others, and in consistent application, teaches desired behaviors and the enforcement of them. To this end, it is imperative that all staff subscribe and adhere to the established MTSS systems and application of the Code of Conduct. Lack of consistency or fidelity to implementation between classrooms creates mixed messages for students regarding what is and is not permissible. Fidelity to a common set of rules and expectations by all adults, staff members, and parents/guardians alike, is essential in the social and emotional development of a child.

ESTABLISHING SUPPORTIVE POSITIVE LEARNING ENVIRONMENTS

Supportive positive learning environments are safe for students and staff. Supportive environments require the commitment from all staff and a belief that all students can learn and succeed with the right relationships within the school and the appropriate supports in place. Developing supportive environments requires all staff to be part of a proactive system that considers the unique needs of all students. To this end, the Brandywine School District utilizes an approach known as Multi-Tiered System of Support (MTSS) as the guiding framework to support students academically and behaviorally. The MTSS Framework aligns perfectly with the core principles of the District's previous Response to Intervention (RtI) and Positive Behavior Support (PBS/PBIS) Programs centered on both academic and behavioral, and social-emotional success. Together, these frameworks merge to provide essential support to all students, with targeted support based on need.



MULTI-TIERED SYSTEM OF SUPPORTS

Brandywine Schools use a Multi-Tiered System of Supports (MTSS) that emphasizes proactive and preventive strategies for defining, supporting, and teaching appropriate behaviors to create a positive school climate. The MTSS approach emphasizes proactive and preventative strategies for supporting appropriate behaviors, both social and academic. Behavioral supports and interventions are implemented using a three-tiered prevention/intervention approach to student behaviors.

School staff recognizes that maintaining and changing student behaviors involves a continuum of acknowledgments, supports, and interventions (Center for Positive Behavior Intervention Supports, University of Connecticut). The MTSS framework consists of three tiers:

Tier 1: Universal or school-wide support for all students to be successful.

Tier 1 includes the following components:

- effectively teaching school-wide and classroom expectations to all students;
- program development and evaluation;
- correcting problem behavior;
- developing self-discipline;
- schools monitor school-wide progress and use data to make decisions about programming;
- consistent Community-Building Circles (Restorative Practices).

Tier 2: Involves a subset of students, typically 10-15%, identified by data, who are not successful with Tier 1 support alone, and are in need of more behavioral or academic support. During this time, Tier 1 supports continue to be layered with Tier 2 supports.

Tier 2 includes the following components:

- referral to a problem-solving team (PST) for academics, behavior, health, and wellness, and/or anything preventing continued student growth and learning;
- providing small group intervention support in behavior or academics;
- group behavioral support consisting of relationship building or skill-building interventions;
- support readily available and accessible for students based on data;
- continuous monitoring and making data-based decisions;
- small group opportunities to practice school-wide expectations with increased frequency;
- Restorative Circles (RP—student group conflicts).

Tier 3: Individualized for students in need of intensive behavioral or academic support, typically 3-5% of the overall student population. This is a continuum of support available to students as a need arises. This small number of students will need individualized, intensive behavioral strategies in order to sufficiently achieve or maintain desired outcomes and prevent future problems. These supports are not based on categorical service options (e.g. whether a student meets the criteria for special education services), but provide access to individualized, intensive supports matched to student needs.

Tier 3 can include the following components:

- access to a problem-solving team, (PST) for academics, behavior, health, and wellness, and/or anything preventing continued student growth and learning. Team members include someone with behavioral expertise on the team;
- functional Behavior Assessment/Behavior Support Plan, (FBA/BSP);
- interventions likely addressing both skill deficits and rapport with others (both skill-based and relationship-based interventions);
- small group (or individual) academic interventions with a focus on intensive reteaching;
- individualized opportunities to practice school-wide expectations with increased frequency;
- wraparound supports;
- collaboration and/or linkages to community resources;

- restorative practices/circles—teacher-to-student/ student-to-student;
- utilize data to problem solve;
- other evidence or research-based strategies;
- Restorative Circles (RP) —teacher-to-student/ student-to-student

WHO ESTABLISHES A POSITIVE SCHOOL LEARNING ENVIRONMENT?

The Student Code of Conduct recognizes the need for a working, cooperative relationship among students, parents/guardians, and school personnel. This relationship is most productive when:

Students:

- attend all classes daily and on time;
- prepare for class assignments and activities;
- come to class with appropriate materials, books, and supplies;
- respect all persons and property;
- refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- dress properly for a learning environment;
- avoid the use of distracting electronics;
- conduct themselves in a safe and responsible manner;
- assume responsibility for their own work and behavior;
- abide by the rules and regulations set forth by the school and individual classroom teachers;
- seek changes in an orderly and approved manner;
- adhere to all health and safety regulations.

Parents/Guardians:

- keep in contact with the school concerning their child's progress and conduct;
- maintain up-to-date home, work, emergency numbers, and email addresses at the school and on Home Access Center;
- ensure that their child's name is recorded in the daily attendance and promptly report and explain any absence or tardiness to the school;
- provide their child with resources needed to complete classwork and homework;
- assist their child in being healthy, neat, and clean;
- refrain from using profanity, abusive language or inflammatory actions in personal interactions;
- bring to the attention of school authorities any problem or condition which affects their child or other children of the school community;
- discuss report cards and work assignments with their child;
- attend Parent/Teacher conferences;
- seek changes in an orderly and appropriate manner.

School Personnel:

- model regular attendance and being on time;
- model being prepared to perform their duties with appropriate materials, lesson plans, and supplies;
- model respect of all persons and property;
- dialogue with parents, students, and other employees in a manner that reflects professionalism and interest of students;

- conduct themselves in a safe and responsible manner;
- model adherence to rules, policy, directives, and regulations set forth by the school and the School Board and/or administration;
- model how to seek change in an orderly and appropriate manner;
- maintain an atmosphere that encourages good behavior and active learning;
- plan a flexible curriculum to meet the needs of all students;
- develop positive working relationships with students and staff alike;
- model the process of sound decision-making and anticipating positive and negative outcomes of choices before making decisions;
- use available technology to partner with parents in real-time to work together for the common good of the student;
- encourage and maintain the involvement of students in the operation of the school, e.g., student government.

STUDENT RESPONSIBILITIES & RIGHTS

POSITIVE LEARNING ENVIRONMENT

Philosophical Basis

Every student is entitled to a safe, supportive, and inclusive learning environment. The responsibility of this positive learning environment is shared by students, staff, and parents. It requires mutual respect, common courtesy, and a commitment to treating all individuals with dignity - regardless of personal beliefs or convictions. The school community is also responsible for respecting and safeguarding personal property. These expectations extend to all aspects of school life, including in-person classrooms, online learning, school events, sports, clubs, and extracurricular activities.

Responsibilities

Students have the responsibility:

- To come to class (school) ready to engage in learning
- To fully and actively engage and participate in learning as evidenced by asking relevant questions, actively listening, providing feedback and answering questions, reading, creating, contributing to partner activities, laughing, smiling, and anything else involved in the learning process
- To be on time and ready for the lesson to begin when the bell rings
- To come prepared with necessary supplies and having completed prerequisite tasks and homework
- To challenge themselves and demonstrate consistent effort towards mastery of new concepts and skills
- Respect the right for others to learn.

Rights

Students have the right:

- To learn free of disruption and distraction.
- To seek assistance and support from staff in their goal of mastery of skills and concepts.
- To have access to relevant and engaging instruction.
- To pursue coursework and pathways that align with their interests and employment goals.

EXPRESSION

Philosophical Basis

Students have the right to express themselves through direct and symbolic means as long as such expression does not mock, demean, or ridicule other persons and groups; interfere with school activities or disrupt the educational process; or contain obscene, vulgar, inflammatory statements or is in any way detrimental to the welfare of other students or staff.

Responsibilities

Students have the responsibility:

- To act in a quiet, dignified manner during patriotic activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deeply held personal convictions.
- To inform the school in writing of activities/policies which are in conflict with their religious beliefs and request alternative accommodations.
- To identify and/or report personal or school-related problems, concerns, or issues to appropriate staff, counselors/advisors

Rights

Students have the right:

- To respectfully express their own opinions on issues.
- To assemble peaceably on school property at a time and place designated by the Principal/designee and with adult supervision. This right will be denied if it endangers the health or safety of others, damages property, or disrupts the activities of others.

PERSONAL APPEARANCE (STUDENT DRESS CODE)

Philosophical Basis

The goal at the Brandywine School District is to create a positive learning environment in which all students are afforded the opportunity to learn in a distraction and disruption-free setting. To assist in promoting such a learning environment, the following conditions for student dress are in effect in all schools across the District. Please note that items of clothing not specifically covered in the list below can be prohibited at the discretion of the building and/or District administration. Building and district administration commit to the equitable application of the student dress code for all students. Students in violation of the dress code will be required to change into clothes that meet the school's expectations. Students must adhere to the following guidelines in school and at school-sponsored events.

Elementary

- All shirts must cover shoulders, chest, and midriff.
- Pants and shorts are to be worn at the waist (pajamas are prohibited).
- The length of skirts, skorts, and shorts must be at least mid-thigh in length.
- Heavy, bulky jackets, or overcoats should be placed in lockers.
- Footwear must be worn at all times. (Flip flops and slides are not permitted. Rubber-soled shoes are required for PE class.)
- Clothing with inappropriate, suggestive, or derogatory pictures or phrases may not be worn.
- Clothing designed to be worn as undergarments may not be visible.

- No headwear is to be worn in the building during the school day. This includes, but is not limited to hats, bandanas, scarves, earmuffs, sunglasses, or any other head coverings, including hoods.
- Clothing with holes, rips, or frayed edges over inappropriate areas is not permitted.
- Students wearing jewelry or accessories that may be considered unsafe or inappropriate to the learning environment may be subject to review by the administration.
- Any other garments or accessories that would be a distraction to an orderly educational process are prohibited.

Middle and High School

Brandywine School District has established common expectations of student dress. We believe in promoting an appropriate, safe, and academic learning environment. Student clothing must not be a distraction to the learning environment. Students must adhere to the following guidelines in school and at school-sponsored events.

- All shirts must cover shoulders, chest, and midriff.
- Pants and shorts are to be worn at the waist (pajamas are prohibited).
- The length of skirts, skorts and shorts must be at least mid-thigh in length.
- Heavy, bulky jackets, or overcoats should be placed in lockers or assigned area.
- Footwear must be worn at all times.
- Clothing with inappropriate, suggestive, or derogatory pictures or phrases may not be worn.
- Clothing designed to be worn as undergarments may not be visible.
- No headwear is to be worn in the building during the school day. This includes, but is not limited to hats, bandanas, scarves, earmuffs, sunglasses, or any other head coverings, including hoods.
- Clothing with holes, rips, or frayed edges over inappropriate areas is not permitted.
- Students wearing jewelry or accessories that may be considered unsafe or inappropriate to the learning environment may be subject to review by the administration.
- Any other garments or accessories that would be a distraction to an orderly educational process are prohibited.

Exceptions

Exceptions to the dress codes above will be made on a case-by-case basis in order to accommodate bona fide religious beliefs and special health conditions:

- Building Administrators at each school shall have the discretion to designate "School Spirit Days" and other special dress days. Examples of such days to include, but are not limited to favorite jersey days, hat days and other special theme days, etc.
- Specific dress requirements may be assigned to students participating in technical labs or other classes or activities that necessitate the wearing of specific clothing in or to maintain the health and safety of students and others. These classes or activity-specific dress requirements will be established by Building Administrators in conjunction with classroom teachers and will be delineated in the class, lab, or activity syllabus. Failure of a student to abide by these health and safety dress requirements may result in the student's inability to participate in that class, lab, or activity.

Responsibilities

Students have the responsibility for dressing and grooming in a manner which shows cleanliness, promotes safety, and demonstrates respect for themselves and others.

Rights

Students have the right to dress and groom as they choose, as long as they do not disrupt the educational process or endanger the health and safety of themselves or others, as outlined in the established school guidelines.

PERSONAL PROPERTY/SEARCH AND SEIZURE

Philosophical Basis

Students have the right to privacy on their person and in their property as well as a responsibility for that property. When school authorities have reasonable suspicion to believe that a student possesses an illegal item or an item determined to threaten health, safety, welfare, or security, the school administration may search a student and his/her property. A student's mobile device is subject to a search if there is reasonable suspicion to believe it is being used in connection with a violation of the Student Code of Conduct. Items deemed to disrupt or interfere with the educational process may be temporarily removed from the student's possession.

Search and Seizure

The District has set the following parameters for search and seizure in its schools.

- **Search of a Student:** The District will conduct only a cursory search of a student. The District is NOT permitted to have a student disrobe while conducting a search. If the District believes that a student is in possession of a prohibited item or substance that cannot be identified with a cursory search, the District will involve law enforcement officers to conduct a more thorough search. Attempts will be made to notify parents if a student is surrendered to law enforcement officials.
- **Search of Backpack or Purse:** The District presumes a student possesses, and is therefore responsible for, all items found in the student's backpack, purse, or similar bag or container used to carry books or personal property. **Students should regularly check the contents of their bags.** If a student fails to secure their bag(s), or provides access to their bag(s), the student is responsible for items found in their bag(s).
- **Search of Lockers and Desks:** The District presumes a student possesses, and is responsible for, all items found in the student's locker and/or desk. **Regularly check the contents of your locker and desk.** If you fail to lock your locker, or if you provide others access to your locker, you remain responsible for items found in your locker. Student lockers and desks are the property of the school and may be subject to search by an Administrator at any time with or without reasonable suspicion to protect the health, safety, welfare, or security of others. **Please note:** All lockers and desks are and shall remain property of the District. Accordingly, students shall have no expectation of privacy in their school lockers and desks. Students are hereby notified that all authorized school district employees and officials may inspect students' lockers at any time, for any reason.
- **Search of Motor Vehicles:** The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle. This

presumption applies to any vehicle driven to school without regard to who owns the vehicle. **Before you bring a vehicle to school, or a school activity, carefully inspect it.** If you fail to lock your vehicle, or permit others access to it, you remain responsible for items found in your vehicle.

- **PLEASE NOTE: Returning to school after leaving without permission may be considered reasonable suspicion to conduct a search of the student and his/her possessions.**

Responsibilities

Students have the responsibility:

- To refrain from possessing or concealing any substance or objects which are prohibited or which may disrupt the educational process and/or school sponsored activities/events.
- To monitor and control access to their lockers, vehicles, purses, backpack, or similar containers and to check regularly their contents.
- To maintain and secure possession of all items brought to school. **The District is NOT responsible for lost or stolen personal property that is brought to school.** This includes, but not limited to items such as cell phones, tablets, personal laptop computers, electronic devices, accessories, and other personal belongings.

Rights

Students have the right:

- to privacy in their personal possessions unless the Principal or designee has reasonable suspicion to believe that prohibited substances/objects are possessed or being concealed by the student.
- to the presence of parents/guardians during the search provided there is no immediate threat to the health or safety of any person located at the school and the parent arrives no later than 4 p.m. that school day, unless otherwise stipulated by the school staff.

PUBLISHING AND DISTRIBUTING MATERIALS

Philosophical Basis

Valuing self-expression and teaching our students effective ways in which individuals may express themselves on issues of interest is an essential part of the educational process. Official school publications such as radio programs, yearbooks, school social media sites, and school newspapers should reflect the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

Responsibilities

Students have the responsibility to identify the person(s) who wrote and published the material; adhere to acceptable standards of journalism including literary value, newsworthiness, and property; distribute material before and after regular school hours; distribute during regular school hours only with administrative permission; display materials on bulletin boards provided for student use; accept any legal consequences for student expression and publication; and to confirm that the information published is factual.

Rights

Students have the right to publish and distribute materials if such action does not

endanger the health and safety of others, threaten to disrupt the educational process, reflect a derogatory nature, indicate a commercial purpose, or contain obscene or inflammatory statements.

SAFETY

Philosophical Basis

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

To help ensure the safety and security of the students and staff of the Brandywine School District, the District uses cameras and audio devices to monitor public areas, restricted areas in schools and school property, and on school buses. Recordings from devices installed for safety and security may be used as the basis of disciplinary actions, or, if appropriate, criminal prosecutions against persons committing violations on school property. This section does not preclude the installation of recording or monitoring devices as part of a criminal or administrative investigation in compliance with pertinent authorities, laws, and procedures. Notice of presence of surveillance equipment will be posted to the extent required by law. The use of video cameras is subject to pre-approval by the Superintendent.

Responsibilities

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 situation or behaviors that present a safety concern (e.g. drugs, weapon, bullying, etc.).

Rights

Students have the right to learn in a positive learning environment free from the threat or act of psychological or physical violence

STUDENT GOVERNMENT

Philosophical Basis

Students have the right to participate effectively in the decision-making processes necessary for developing responsible and productive citizens. They have the right to organize and conduct student council or government association activities that contribute toward the understanding and functioning of the objectives of the school.

- The organization, operation, and scope of student government shall be defined in a written constitution developed through effective student participation.
- Student government shall function in accordance with its constitution and by-laws.
- The school administration shall ensure that all students have the right to vote and hold office.
- Provisions concerning the qualifications of candidates should be as broad as possible; however, grade and disciplinary standards may disqualify some.
- The decisions of the student government shall not be influenced by faculty and may not be arbitrarily vetoed by the school administration.
- The student government organization shall be responsive to the needs and interests of all students and shall conduct open meetings to ensure maximum involvement of all students.

- Faculty advisors shall assist the students in ensuring that student government operates independently within the framework of its constitution and the school's philosophy.

Responsibilities

Students have the responsibility:

- to work, as members of the student government, on the needs and concerns expressed by the student body.
- to seek prior consent of any faculty member recommended as an advisor.
- to conduct election campaigns in a positive, mature manner with all due respect provided to all candidates.
- to participate in student government activities in an appropriate manner, demonstrate positive leadership, and operate within District and school regulations.

Rights

Students have the right:

- to form and operate a student government within their school under the direction of a faculty advisor. This right shall be carried out within the guidelines and practices recommended by the National and State Student Government Association and within the rules and regulations of the School District.
- to recommend members of the faculty to serve as sponsors for their school's government organization.
- to seek office in student government regardless of race, gender, color, creed, or political beliefs.
- to attend official student government meetings as student government officers and representatives in accordance with school regulations.

STUDENT MOTOR VEHICLES

Philosophical Basis

The District provides free transportation to all eligible students; however, students have the right to drive personal vehicles to school.

Responsibilities

- students have the responsibility to always operate their motor vehicles in a safe and prudent manner while driving on school or District property.
- to refrain from carrying or concealing any substance or objects in a motor vehicle which may disrupt the educational process, or which are forbidden by the student code of conduct or state law.

Rights

Students have the right to privacy of the contents of their motor vehicles unless the Principal or designee has reasonable suspicion to believe that the student is concealing a prohibited substance or objects and/or other items that may be disruptive to the educational process.

TEACHING and LEARNING

Philosophical Basis

Brandywine School District employs highly qualified professionals to implement

curricula that are consistent with established standards, have evidence and/or a scientific basis, as well as follow best practices in each subject area. Textbooks and/or digital content are selected based on the extent to which they support the established curriculum and standards.

Responsibilities

Students have the responsibility:

- to conduct themselves in a manner which fosters a positive learning environment for all.
- to present assignments for grading and feedback based on established due dates.
- to attain standards of academic performance according to their ability.
- to share all notices of unsatisfactory progress with their parents/guardians and to make every effort to improve their performance.

Rights

Students have the right:

- to have access to clear and precise course descriptions and grading expectations.
- to participate in courses and programs appropriate to their individual needs at all grade levels.
- to have grades used positively and not as a disciplinary tool.
- to be given appropriate notice of assignment due dates.
- to have work products scored in a timely manner in order to self-monitor progress on a regular basis.

TECHNOLOGY USAGE

Philosophical Basis

Students must adhere to the District's Acceptable Use Policy (which incorporates the State policy), before they may make use of District technology, including Internet access.

Responsibilities

Students have the responsibility:

- to respect the rights and computer property of others and not improperly access, damage, mistreat, misrepresent and misuse files, data, or any other computer related information of any user.
- to use technology responsibly, including school-issued email accounts and in accordance with the guidelines in the BSD Acceptable Use Policy.
- to not share or compromise personal or another user's account information.
- to protect all District technology equipment from potential damaging substances (such as but not limited to food, drink, gum, etc.).
- to adhere to copyright laws and to not download or install any unauthorized software product.
- to be responsible for backing up critical documents and files.
- to be responsible for preventing and protecting against viruses on Brandywine School District's computer equipment, including student devices issued by the district.

ATTENDANCE & TRUANCY

MANDATORY SCHOOL ATTENDANCE

State law establishes that every person who has legal custody, guardianship of the person, or legal control of a child between 5 and 16 years of age, including any person acting as a caregiver pursuant to the provisions of Title 14 of the Delaware Code has the responsibility to assure that his/her child enrolls and attends school. The District shall comply with all compulsory attendance laws and regulations, including those for students with disabilities, as well as and provisions in Title 14 of the Delaware Code.

Students are required to be present for at least 85% of instructional time in any given school year. For grades Kindergarten through Grade 5, attendance is taken as a percentage of time based on the entirety of the school day. For students in Grades 6 through 12, attendance is taken and recorded per class period or credit course; thus, a secondary student's attendance can vary. Any student whose number of absences (excused or unexcused) exceeds the allowable limits could fail to qualify for promotion to the next grade or fail to receive course credit.

The maximum number of absences permitted per Delaware code are as follows:

Kindergarten – Grade 8:	25 absences
Grades 9-12:	13 absences [per block class]

TYPES OF ABSENCES

Unless an absence is pre-approved or caused by a school function, any student not present will be marked as an unexcused absence. If the parent/guardian produces a note with a valid reason for the absence (see below), the absence will be coded as excused.

Excused Absence: An excused absence is for one of the reasons listed below and for which the required parental/professional note of explanation has been presented. A student's absence will be marked as unexcused in the Student Accounting System until the parental/professional note is provided.

The following conditions only will result in an excused absence:

- illness of the student (a physician's note may be requested after three consecutive days and in cases of multiple non-consecutive days);
- scheduled appointments for the student with a physical, behavioral, or mental health care provider;
- death in the immediate family; funerals of other relatives or close friends
- contagious disease in the home of the child subject to regulations of the Division of Public Health, Department of Health and Social Services;
- legal business requiring the student's presence;
- suspension or expulsion from school;
- observance of religious holidays;
- health treatments (physical therapy, occupational therapy, etc.);
- absence, pre-approved by the Principal, to visit a college or university;
- authorized school-sponsored activities;
- emergency situations as determined by the school Principal;
- absences related to military deployment or military moves;
- mental health day (4) per school year maximum, non-consecutive;
- wifi access, internet connectivity, and/or other technology issues when utilizing remote learning.

Unexcused Absence: An unexcused absence is any absence from school or class that is not defined as an excused absence. Lack of documentation from a parent/guardian based on one of the criteria above is considered an unexcused absence.

Prearranged Absence: A prearranged absence is a student's absence from school for one or more days to visit a college or university or for other educational activities approved by the Principal. The absence should be arranged in advance by writing the Principal and providing the full particulars of the absence. Approval for such absences should be sought, where practicable, at least two (2) weeks prior to the date on which the absence is to occur. Upon the development of a plan by student and teacher for making up the assignments to be missed, the Principal may then define the absence as excused. Prearranged absences will not be approved for school days that require students' presence for state/district assessments.

Long-Term Leave: For students on a block schedule (9th – 12th) who relocate out of state for any time longer than five (5) school days and for students kindergarten through eighth grade who relocate out of state for any time longer than ten (10) school days, the parent/guardian must provide documentation that the student has relocated out of state and the student must be withdrawn. The parent/guardian must re-enroll the student in the District once the family returns to the area. The school cannot ensure that the student will be able to be placed back in the original classroom.

Online/Remote Learning Attendance: The definition of what constitutes attendance and the method for taking and recording attendance for online and remote learning coursework will vary depending upon the type, design, and function of the course. For example, attendance for a full online, self-paced course, may be defined as completion of all learning tasks assigned for a given week, while a synchronous online course with a real-time teacher may define attendance by verification of the student's on-line presence during scheduled class time. Similarly, an asynchronous day's attendance constitutes submitting completed assignments to the district's learning management system within the timeframe provided by the teacher.

Please note that in the context of online or computer-based learning, documentation that a student has logged into an online student management system or approved online education resource is sufficient to demonstrate academic attendance by the student for that particular class period. For example, if a student logs into an online course or class session on September 10 and stays online for the duration of the period before logging out, the student will receive credit for being in attendance that day.

Should school or District closure require the transition to remote learning, the District will publish specific guidance defining how student attendance will be defined, determined, and reported. For online courses offered by the District or through dual-enrollment opportunities that incorporate online instruction, the course syllabi will define what criteria will be used to determine student attendance.

The same definitions and parameters for excused and unexcused absences apply to online and remote learning attendance. All absences will be considered unexcused unless the parent/guardian provides written documentation that meets the criteria for an excused absence as defined in this Code of Conduct.

Early Dismissal: All early dismissals should be arranged ahead of time by the parent/guardian. Parents/guardians should send a note to school with the student at the

beginning of the school day, and the student should submit that note to the main office at the beginning of the day. At times, when a parent/guardian does not have advanced notice of the need for an early dismissal, the parent/guardian can request an early dismissal in person at the main office of the school.

MENTAL AND BEHAVIORAL HEALTH ABSENCE GUIDELINES

In accordance with Delaware law (Title 14, §2702(j)), students may use excused absences for mental or behavioral health needs.

A mental or behavioral health absence may be used when a student is experiencing challenges such as anxiety, depression, feeling overwhelmed, or other emotional or behavioral concerns that make attending school difficult that day. Parents/guardians may excuse the absence by providing a note or communication indicating the absence was related to the student's mental or behavioral health or by requesting a "mental health day."

These absences:

- Are considered excused absences.
- Do not require a doctor's note.
- Allow students the opportunity to make up missed schoolwork.
- May be used for up to four (4) non-consecutive school days per school year.

Appointments with licensed mental health providers (such as counseling or therapy appointments) are handled as regular excused medical absences and are not counted toward the four mental health days.

After a student's second mental or behavioral health absence, school staff may reach out to check in and offer available supports or resources. Families may decline school-based support services if they choose.

If ongoing concerns are identified, the school may recommend additional supports through the school's MTSS non-academic problem-solving process, Section 504 team, or IEP team, when appropriate.

The district is committed to supporting student wellness while maintaining regular school attendance and academic success.

TARDINESS TO SCHOOL AND/OR CLASS

All students are expected to arrive at school on time. Students who arrive to their first class (usually homeroom or first class period for Grades K-8 or first block for Grades 9-12) after the official start of the school day are considered tardy. Parents or guardians of students in grades K-5 must accompany and sign students into the building and provide a written explanation for their tardiness. Students in grades 6-12 who are late to school should sign in with the attendance secretary and present a written explanation from a parent as to the reason for their tardiness.

Tardiness to Class is defined by established class start times. In Grades 6-12, a bell system is used in each school to signal when one class is over and the next class begins. Students that are not in the classroom when the bell rings officially starting the class are considered tardy unless they have a written pass from a staff member. Students are expected to be in class on time prior to the bell.

TRUANCY

Truancy is defined as four (4) or more unexcused absences from school without required documentation or failing to register a child between the ages of 5 -16 years old within a timely fashion. The District is responsible for reporting violations of the attendance laws of the State of Delaware. In compliance with Delaware Code (Title 14, Chapter 27) the following will occur:

Compulsory Attendance Requirements for children in grades K through 12 (Truancy):

The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year. *Visiting Teachers reserve the right to make contact prior to the 10th unexcused absence.*

1. Prior to the 10th day of unexcused absence by a student, the school will make multiple attempts to provide supports/services by working collaboratively with families to implement an Attendance Action Plan (AAP) that addresses the challenges with school attendance.
2. Following the 10th day of unexcused absence by a student, the school shall immediately notify the parent/guardian, and a visiting teacher for the District shall visit the student's home;
3. Following the 12th day of unexcused absence by a student, the student will be referred to the school's Problem Solving Team (PST) within their Multi-Tiered System of Support (MTSS).
4. Following the 15th day of unexcused absence by a student, the student's parent/guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;
5. Following the 20th day of unexcused absence by a student, the school shall refer the case for prosecution;
6. Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.

SCHOOL BUS AND DISTRICT TRANSPORTATION SAFETY

District provided transportation to and from school is an extension of the school day. The student Code of Conduct remains in effect any time a student is on a school bus, including but not limited to the assigned bus, bus stops, or other district provided vehicles to and from the school, activity buses, sports buses, field trip buses, contracted vans etc. These rules apply to all modes of transportation provided by the District.

Bus and District Transportation Privilege

Riding the school bus and other means of transportation provided by the District are privileges for each student. If the following rules and regulations are not followed, the student may no longer be given the opportunity or privilege to ride the bus. If this privilege to ride a bus is suspended or revoked, the parent/guardian will be responsible for transporting their child to and from school.

School Bus Safety Rules

For Kindergarten to through 3rd grade, the Bus Safety Rules will be presented to all students in the District by school administrators, including walkers. The purpose of these presentations is to ensure students are aware of the bus safety rules, safe

procedures while entering and exiting the school bus, and Safe Street crossing techniques, etc.

1. Listen to the bus driver/bus attendant's requests and follow directions.
2. Stay seated (back-to-back; bottom-to-bottom; book bag on your lap)
3. The use of electronic devices is permitted on board the bus; however, any audible content requires the use of headphones.
4. No eating or drinking while on board the bus.
5. Keep your hands and feet to yourself at all times.
6. All body parts and belongings remain inside the bus at all times
7. Use your inside voice while on the bus.
8. Do not throw objects inside, out of the bus or around-keep everything inside your book bag
9. Do not touch emergency equipment-back and side door, windows, roof hatches, first aid and body fluid kits, 2 way radios, etc.

Along with the Bus Safety Rules, the following regulations will assist with safety, prompt arrivals and departures of buses, and promoting positive attitudes on the part of students. Violations of these regulations may result in disciplinary actions.

1. Students must ride their assigned bus to and from their assigned stop. Switching buses for any reason is strictly prohibited.
2. Students should be present and visible at their assigned stop 10 minutes before the assigned bus stop time. A bus will not be dispatched to pick up students who were not present in advance.
3. Students are not to leave the bus without the driver's permission, except on arrival at their regular bus stop or at school.
4. Students should help keep the bus clean, sanitary and orderly. They must not damage or destroy bus seats or equipment.
5. The bus windows should not be opened without permission from the driver.
6. Students are not permitted to juul, smoke or vape while on the bus.
7. Students are not to use abusive language, profanity, obscene gestures, or spit on the bus.
8. Students may not bring large musical instruments, live animals, balloons, glass containers, skateboards, or large school projects onto the bus.
9. Athletic equipment brought on the bus must fit between the student's legs and not be placed on the seat or in the aisle. Care and safety when transporting sports equipment should be considered a priority. Students misusing the equipment or allowing another student to misuse the equipment while on the bus will result in losing the privilege to transport the equipment on the bus. Whenever possible, the athletic equipment should be in appropriate equipment bags to avoid sharp edges being exposed to students.
10. Students are to enter the bus, immediately take their seats, and remain seated until the bus comes to a complete stop.
11. Students are to conduct themselves while on the bus in such a way that will not distract the driver. Distracting the driver puts everyone at risk.

Cell Phone/Electronic Devices Use on School Buses

Students may use cell phones and other electronic devices on the school bus as long as they do not create a distraction or disruption. All devices must remain on silent or use headphones—no audible sounds should be heard at any time.

Surveillance on School Buses

All BSD school buses are equipped with surveillance cameras which include audio and video recording capability. These tapes and/or hard drives will be used in disciplinary procedures if necessary.

Safety Procedures for Boarding and Exiting the Bus

1. Students should never stand or play in the street while waiting for the bus.
2. If crossing a street to board the bus, students **MUST** look both right and left for cars, wait for the driver's signal to cross, and make sure the **RED** lights are flashing. Always cross the street in **FRONT** of the bus. Before boarding and exiting the bus, students must keep a safe distance from the bus.
3. Students should enter the bus without crowding or pushing and go directly to their assigned seat (if applicable).
4. Students should stand clear of any approaching bus travel path and be cognizant of bus maneuvers.

Meeting Students at Assigned Bus Stops

Kindergarten students must be met by a parent, guardian or approved individual of trust designated by the family to ensure safety of our youngest learners. This information will be communicated to the child's school and transportation department. Exemptions will be granted if the parent/guardian provides written notification that their child does not need to be met. Brandywine School District requires a parent/guardian or designees to meet their child at their assigned bus stop each and every day for students who have special needs and require adult assistance (documented in student's IEP). Please note that the bus stop times provided for each student are estimates; therefore, transportation recommends utilization of the district's 'Where's the Bus' application for mobile devices to better determine exactly when to meet their child at the designated bus stop.

Failure of a parent/guardian or designee to meet their child as identified above at their assigned bus stop will result in the following action:

1. Transportation will contact the student's school and report that no one is at the bus stop to receive the child
2. Transportation will return the student to school. The parent will be responsible for picking the child up at the school. At that time, the parent will receive a letter from the school Principal/designee reminding them of the District's policy.
3. **Subsequent Offenses:** Parent/Guardian will be invited to a conference/meeting to discuss intervention and support services for student transportation.
4. **Repeated Offenses:** Mandatory parent meeting will be held to discuss alternative options and further interventions for student transportation.

Bus Change Guidelines

Bus transportation cannot be viewed as a taxi and/or shuttle service. Please review the following guidelines for bus changes:

1. Bus routes and assignments can **ONLY** be changed by the Transportation Department.
2. Once the school makes address and/or alternate transportation address changes, it can take up to two business days for transportation to process that request. Transportation will assign a bus stop in accordance within Brandywine School District procedures and adjust the bus route accordingly.
3. The Transportation Office will not give permission for a student to ride a different bus, except in emergencies, with a written request.

For liability reasons, the District can only allow students assigned to a bus to use that bus as a means of transportation to or from school. All requests for ineligible riders to take a requested bus will be denied.

Denial of Transportation Privileges

Denial of transportation privileges is either a temporary or permanent removal of the opportunity to ride the school bus. In all cases of denial of transportation privileges, an attempt shall be made to notify the parents by telephone, with a written notification of the denial sent to the parents within twenty-four (24) hours. In the case of a student with a 504 Accommodations Plan or an Individualized Education Plan (IEP) a meeting must be held to discuss challenges on the bus and a team decision regarding next steps must be made and documented. Denial of bus privileges shall not be used as a disciplinary action for non-bus related violations.

During the denial of transportation privileges, it shall be the parents' responsibility to provide the student's transportation to and from school. Denial of bus privileges includes **both the regularly assigned bus and activity buses**. Should the student be absent during the bus suspension, the responsibility for initiating the make-up work and turning in assignments rests with the student.

Prior to the denial of bus privileges, the student shall:

1. be given oral or written notice of the charges and be told who is making these charges or complaints.
2. be given a fair and impartial hearing and have the opportunity to present the student's side of the story.
3. have had prior opportunity to know that the misbehavior was in violation of established rules and regulations.

Bus Route Problems

Bus Route Problems concerning the bus routes, bus arrival times, etc. should be referred to the Brandywine School District Transportation Office at 302-762-7181.

STUDENT BEHAVIOR

The District strives to provide a safe and inviting learning environment for students and staff. Creating and maintaining a climate of safety and respect requires the work and commitment of all three responsible parties – students, staff, and parents. It is essential that students, staff, and parents respect the rights of all others in creating learning spaces in which common courtesy and respect protects the teaching and

learning process, personal beliefs and property of others regardless of setting (e.g. in school, in class, online, school function, etc.).

Expectations of Students

Actively Participate in Learning:

Students are expected to come to class ready to engage in learning. Full and active participation means listening, talking, working with partners, creating, reading, drawing, expressing, enjoying, smiling, laughing and anything else involved in the learning process. Being prepared for class means being on time, ready to start when the bell rings, having necessary supplies, and completing prerequisite assignments and homework.

Demonstrate Positive Attitude Toward Learning:

A positive attitude means trying new things, establishing goals, and becoming involved in one's studies. Students must challenge themselves and put forth the effort to learn new content and skills.

Respect Self, Others and the Environment:

Respect is a core theme for success in all Brandywine schools. Words and actions should be considerate of people, situations, and conditions. This means polite language, a positive and helpful attitude, and a regard for the property of others. Students are expected to be courteous and respectful to staff, faculty, and to one another.

Consequences for Behavior

Since the late 1980s, school districts across the country utilized zero tolerance policies- mandating suspension or expulsion for student misbehavior regardless of circumstances- exclusively within their Student Codes of Conduct. Evidence from decades of research conclude that neither adults nor young people have benefited from zero tolerance policies. In fact, there is growing research and consensus to support that positive reinforcement is more effective, and behavioral problems should be resolved on a case-by-case basis. As a result, Delaware passed legislation in 2018 to create the 'School Discipline Improvement Program' that requires districts to work toward the reduction of out-of-school suspensions through implementation of professional learning and programs to include Restorative Practices, Trauma Informed Care, Implicit Bias Awareness, Cultural Competency and Classroom Management. Professional learning has been ongoing in Brandywine School District since 2018 to comply with this regulation.

Restorative Practices

Restorative practices is the science of relationships and community. When applied in schools, restorative practices proactively improves climate and culture. Restorative practices promote inclusiveness, relationship-building and problem-solving, through such restorative methods as community-building circles for teaching and learning. Restorative practices also provide responses to wrongdoing that focus on repairing harm. This is achieved through conflict resolution using conferences that bring victims, offenders and their supporters together to address wrongdoing. Students are encouraged to reflect on and take responsibility for their actions and come up with plans to repair harm. Restorative practices in schools are based on restorative justice principles; they aim first to build classroom communities that are supported by clear agreements, authentic communication, and specific tools to bring issues and conflicts

forward in a helpful way. They provide specific pathways to repair harms by bringing together those who are affected by misbehavior in a dialogue to address concerns, achieve understanding, and come to agreement about setting things right. In addition to serving the cause of fairness and justice, restorative approaches make safer schools and contribute to social and emotional learning. Research shows restorative practices improves school climate, reduces student suspensions as well as discipline disparities among students.

DISCIPLINARY PROCEDURES

This section of the Student Code of Conduct pertains to the process used by the District in the investigation of reported violations and the application of disciplinary consequences when warranted by investigation results. Building Administrators can aid parents and guardians regarding questions around the Code of Conduct, including investigation, due process, process and procedures, appeal requests, and resources for students and families.

The Student Code of Conduct defines specific acts which are considered violations of expected student behavior. School rules come from many sources including State Law, Board of Education Policy, and District Guidelines and Regulations. A major consideration of the Student Code of Conduct is to identify appropriate disciplinary actions to bring about positive student behavior. The severity and frequency of the misbehavior and the age and maturity of the student are considered in defining appropriate disciplinary action.

An Administrator or designee applies the Student Code of Conduct when a student has been referred because of misbehavior. Identifying the specific Student Code of Conduct violation and corresponding disciplinary action is the responsibility of the Administrator or designee. The decision of the Administrator or designee is final, subject only to a grievance as per the grievance procedures outlined below. In all cases of violations of the Code of Conduct, the Administrator will make an attempt to notify the parent/guardian of the infraction.

REPORTING OF A CODE OF CONDUCT VIOLATION

Students, parents, guardians, community members and school/District personnel, all have a responsibility for reporting violations of the Code of Conduct. Procedures for reporting are as follows:

- School and District Personnel:
 - o are required to use any and all electronic referral systems that are established by the district/state systems. If the electronic referral system is unavailable, the Building Administrator will supply a paper copy on which the referral should be submitted.
 - o are required to include an objective report of the incident that is free of subjective or opinionated commentary within the behavior referral.
- Students and parents/guardians should report violations to either the student's Administrator of record or to their assigned school counselor.
- Members of the community can report violations to an Administrator in the building.

PRELIMINARY INVESTIGATION & REPORTING REQUIREMENTS FOR VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Investigatory Procedures & Timeline

1. In any instance when student disciplinary action may result in suspension, alternative placement, or expulsion, the Principal/designee shall conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action.
 - a. The Principal/designee may remove the allegedly offending student from the general student population while conducting the preliminary investigation if the student's presence in the school environment is deemed to pose a threat or possible threat to the health, safety, or welfare to persons or property within the school environment.
 - b. Initial due process shall be provided to the accused either through discussion or written statement as decided by the Principal/designee.
 - c. When obtaining written statements from witnesses, reasonable efforts may be made to notify the parent of each witness under eighteen (18).
 - d. Reasonable efforts shall be made to include the allegedly offending student or parent in the preliminary investigation.
2. The investigation shall be completed within three (3) school days of the date the incident in question was reported.
3. The Principal shall protect any physical evidence, whether related to the victim, suspect, or scene, which could be lost or destroyed prior to law enforcement's arrival. Any evidence, such as weapons or electronic devices, shall be placed in a sealed envelope and secured in the school safe until law enforcement arrives.

Reporting Requirements

1. If the investigation reveals that there is reliable information that would lead a reasonable person to believe that a mandatorily reportable crime under 14 Del. C. §4112 has been committed, the Principal/designee shall immediately notify the appropriate law enforcement agency of the incident.
 - a. All reports to the appropriate law enforcement agency must be made immediately by telephone or in person and shall be followed by a written report of the investigation within three (3) business days.
2. The Principal/designee shall report all offenses listed as a mandatory report to the Department of Education under 14 Del. C. §4112 and 14 DE Admin. Code 601 within five (5) business days of the incident by completing the information in the Discipline Reporting application or successor Delaware Department of Education approved student database management application.

Initial Due Process After the Preliminary Investigation

A student shall be afforded initial due process rights for discipline procedures which result in the removal of the student for a half (½) day or more from the Regular School Program due to a violation of the Student Code of Conduct. Prior to any removal of a half (½) day or more from the regular school program due to a violation of the Student Code of Conduct.

The principal shall notify the student and the parent, if the student is under eighteen (18), via an electronic means, such as by phone or email, of the allegation or allegations against the student, and the student code of conduct rule or rules violated.

The student, and the parent, if the student is under eighteen (18), shall be given an explanation of the evidence supporting the allegation or allegations, as soon as practicable, but no later than 3 business days from notification by the principal.

The student shall be given an opportunity to present the student's side of the story to the principal, including any evidence.

The student and the parent, if the student is under eighteen (18), shall be provided with information regarding the grievance process.

Due Process Delay Provision

1. 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/designee, may be immediately removed from school provided that, as soon as practicable thereafter, the initial due process procedures outlined above are followed.
2. In addition to the initial due process rights, a student who is recommended for Alternative Placement or Expulsion shall receive such additional applicable due process rights as outlined in the Student Code of Conduct.

Assignment of Consequences

When assigning consequences for student behavior that violates the Code of Conduct, the Principal/designee are to consider the following factors:

- age, health, disability status, and other individualized factors attributable to the student;
- appropriateness of student's academic placement;
- student's prior conduct and record of behavior, and any behavioral support plan(s) applicable to the individual student;
- student's willingness to repair the harm;
- seriousness of the offense and the degree of harm caused;
- impact of the incident on the overall school community;
- the health, safety, and welfare of the student and all students and staff.

SHORT - TERM SUSPENSION

"Short-term suspension" means disciplinary action approved by the principal or school discipline team resulting in the student being removed from the student's regular school program for at least half (½) school day and not more than 10 consecutive school days.

The Principal/designee shall have the right to impose a short-term suspension on any student in the school who has violated the Student Code of Conduct. The duration of the short-term suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident. A short-term suspension may be an in-school or out-of-school suspension.

The Superintendent or his/her designee shall have the right to temporarily extend a student's short-term suspension beyond the ten (10) school day limit pending an Alternative Placement Meeting decision, Board of Education decision regarding expulsion, or any other formalized disciplinary action hearing.

A student whose short-term suspension has been temporarily extended beyond ten (10) consecutive school days shall receive appropriate educational services beginning on the first day of the extension. Appropriate educational services shall continue until the student's Alternative Placement Meeting decision has been rendered, the Board

of Education makes its decision regarding the student's expulsion, or other formalized disciplinary action hearing has concluded. Prior to any short-term suspension from school, initial due process shall be provided to the student unless temporarily delayed as allowed above.

When a student receives a short-term suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the parent/guardian shall be made by the Principal/designee prior to the suspension being served. Written notification of the suspension and information regarding the grievance process shall be given or sent to the parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the suspension.

The parent/guardian or student may appeal the suspension to the next administrative level in accordance with the Grievance process. Prior to the student's return from an out-of-school suspension of three (3) school days or more, the Principal/designee shall hold an in-person or phone conference with the parent/guardian and student. A definite time, date, and place for the conference shall be designated by the Administrator/designee. The Principal/designee may waive this conference requirement.

LONG-TERM SUSPENSION

"Long-term suspension" means disciplinary action approved by the district or charter school level coordinator upon recommendation of the principal or pending a decision by the district or charter school level coordinator regarding an alternative placement, the board of education's decision regarding an expulsion hearing, or other formalized disciplinary action hearing for the student, resulting in the student being removed from the regular school program for eleven (11) consecutive school days or more and not to exceed the total number of school days in a school year.

The Principal/designee shall have the right to impose a long-term suspension on any student in the school who has violated the Student Code of Conduct or pending a decision by the district level coordinator regarding an alternative placement, the board of education's decision regarding an expulsion hearing, or other formalized disciplinary action hearing for the student.

1. For all referrals for long-term suspension for a student, the Principal/designee shall hold a building-level conference with the student, the parent, and other staff members as determined by the Principal/designee.
 - a. At the building-level conference, the Principal/designee shall explain to the parent and the student that the purpose of the meeting is to inform them: (1) of the referral for long-term suspension; (2) that the student may be suspended pending the outcome of the Alternative Placement Team Meeting, expulsion hearing, or other formalized disciplinary action hearing and; (3) of the procedures that will take place as follow-up to the referral for long-term suspension.
 - b. The building-level conference may be held in person or through an electronic means of communication.
 - c. The administrator conducting the building-level conference shall have at least one other person present to take notes during the conference or shall have the conference recorded.
2. The duration of the long-term suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of

violations which occurred during a single disciplinary incident. A long-term suspension may be an in-school or out-of-school suspension.

- a. The student shall maintain enrollment in the district or charter school and be provided appropriate educational services during the term of the suspension.
 - b. The student shall be excluded from all school activities, including extra-curricular sports and programs, field trips, and ceremonies during the suspension unless otherwise approved by the district or charter school.
 - c. The student shall not be present on school property when the long-term suspension is out-of-school unless otherwise approved by the district or charter school.
3. Prior to any short-term or long-term suspension from school, the preliminary investigation and reporting procedures shall be followed and the initial due process procedures shall be followed unless the student's 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/designee.
 4. When a student receives a suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the student and parent, if the student is under eighteen (18), shall be made by the principal prior to the suspension being served. Written notification of the suspension and information regarding the district's grievance process shall be given or sent to the student and parent, if the student is under eighteen (18), as soon as practicable, but no later than three (3) business days from day one (1) of the suspension. The notification shall state the cause and duration of the suspension.
 5. **Except for suspensions of two (2) days or less**, the student may file a grievance of the suspension in accordance with the district's grievance process.
 6. Prior to the student's return from an out-of-school suspension of three (3) school days or more, the principal shall hold an in-person or phone conference with the student and parent, if the student is under eighteen (18). A definite time, date, and place for the conference shall be designated by the principal. The principal may waive this conference requirement as provided in the student code of conduct.
 7. The suspension shall be reported to the Department through the student information system within five (5) business days of the incident.

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 the authority of the Superintendent or designee. Any behavior that necessitates a more severe disciplinary action shall be subject to the discretionary authority of the Superintendent or their designee.

DISCIPLINE OF STUDENTS WITH DISABILITIES

1. If a student with a disability, as defined by Federal and State law and regulations, is recommended for removal for more than ten (10) school days, either consecutively or cumulatively, in any one school year, or if expulsion is being recommended, a meeting of the student's IEP team shall be conducted.
2. The student's IEP team will consider whether the offense was a manifestation of the student's disability.
3. If the IEP team determines the offense was a manifestation of the student's disability, the IEP team shall modify the student's educational program accordingly.

4. If the IEP team determines that the offense is not a manifestation of the student's disability, the student will be subject to the provisions of the District's Student Code of Conduct and disciplined accordingly.
5. Students with disabilities and their parents and/or guardians should also refer to *Delaware Code Title 14, section 900, Special Populations available through the Delaware Department of Education*.

ASSIGNMENT TO ALTERNATIVE PROGRAMS

"Assignment to an Alternative Program" means a student is removed from the regular school program and assigned to an alternate educational program which may be on or off campus. The duration of the assignment to an alternative program is dependent upon a variety of factors. Students assigned to alternative programs for disciplinary reasons are not permitted to attend Brandywine School District activities, including but not limited to extracurricular activities, sports, programs, field trips, or ceremonies and are prohibited from being on school property without the prior permission of the building Principal.

Reasons for Referral To Alternative Placement

1. A student may be referred for Alternative Placement for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the Student Code of Conduct and the student's behavior is within the defined conduct under 14 DE Admin Code 614.
2. A principal may refer a student for Alternative Placement for any offense listed in 14 Del.C. §4112. Regardless of other requirements in this section, any student who is expelled or suspended pending expulsion for behavior equivalent to a violation of one (1) or more of the offenses in subsections 6.1.2.1 through 6.1.2.14 of this regulation shall not be placed onsite at a Consortium Discipline Alternative Program site. Virtual services may be provided if deemed necessary by the district.
3. A student may be referred for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a violent felony and/or is a threat to the health, safety, and welfare of others within the school environment. Any student who is expelled or suspended pending expulsion for behavior equivalent to a violation of one (1) or more of the offenses in subsections 6.1.2.1 through 6.1.2.14 of this regulation shall not be placed onsite at a CDAP site.
4. A principal may refer a student for Alternative Placement in conjunction with chronic and repetitive classroom or school environment disruptions which result in a violation of the student code of conduct after all school-based best practice interventions have been put into place for the student. This may include referral to a school-based problem-solving team (14 DE Admin. Code 508), counseling services, the development and implementation of a behavior support or modification plan, mentoring, referral to mediation, and participation in an available school-based intervention program.
5. A student may be referred for Alternative Placement when returning from an Outside Agency (examples include, but are not limited to, youth detention facilities, substance abuse facilities, or mental health facilities).

Alternative Placement Procedures

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following

procedures shall occur:

1. The Principal/designee shall conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action.
2. If the preliminary investigation verifies that disciplinary action may be warranted, initial due process procedures shall be followed.
3. The principal, in collaboration with the district level coordinator, shall decide whether to refer the student to the APT. Districts or charter schools may opt to have the school-based problem-solving team (14 DE Admin. Code 508) meet to discuss the incident and make a recommendation to the principal whether to refer the student to the APT.
4. After the student has been afforded initial due process procedures, and if the Principal/designee decides that disciplinary action will be taken, the student and parent shall be notified if the student is under eighteen (18).
5. The Principal/designee may impose a long-term suspension. If the student is suspended, the student and the parent shall be provided a copy of a suspension form that includes a written notice of the Student Code of Conduct violation(s).
6. If the Principal/designee decides that the disciplinary action should be a referral for an Alternative Placement, the Principal/designee shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Administrator.
7. For all referrals for Alternative Placement for a general education or special education student, the Principal/designee shall hold a building-level conference with the parent and the student.
 - a. At the building-level conference, the Principal/designee shall explain to the parent and the student that the purpose of the meeting is to inform them: (1) of the referral for Alternative Placement; (2) that the student may be suspended pending the outcome of the Alternative Placement Team Meeting and; (3) of the procedures that will take place as follow-up to the referral for Alternative Placement.
 - b. The building-level conference may be held in person or through an electronic means of communication.
 - c. The Administrator conducting the building-level conference shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

Alternative Placement Meetings

An Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for the student.

1. The student and parent, if the student is under eighteen (18), shall receive notification of the district's Alternative Placement meeting. The notification shall be provided via an electronic means, such as by phone or email, and in writing by U.S. regular and certified mail at least 5 business days before the meeting is scheduled to occur.
2. The student and parent, if the student is under eighteen (18), may sign a waiver acknowledging that they have a right to receive written notice no less than five (5) business days before the meeting occurs, but are waiving that right in order to schedule a meeting on a date and time that is mutually agreed upon by the district or charter school and student and parent, if the student is under eighteen (18).
3. Other individuals may be invited as determined by the APT, including a representative from the DSCYF with knowledge of the student and family's need.

4. The APT shall convene a meeting, review the student's Alternative Placement packet, and make a recommendation to the district or charter school level coordinator whether to assign the student to an alternative placement. The APT may hold a meeting without the student, the student's parent or both in attendance if the student poses a threat to the health, safety, or welfare of others and the district has provided the required notice of the meeting to the parent and student.
5. If the student, parent, or both did not attend the APT meeting, the student and parent, if the student is under eighteen (18), shall be informed verbally of the APT's recommendation within one (1) business day of the meeting.
6. If the district level coordinator decides not to assign the student to an alternative placement, the principal, in collaboration with the school-based problem-solving team (14 DE Admin. Code 508), shall determine school-based interventions for the student and notify the student and, if the student is under eighteen (18), the parent. Reasonable attempts should be made to seek input from the student, and parent, if the student is under eighteen (18), about the interventions.
7. If the decision is to assign the student to an alternative placement, the district level coordinator shall send written notice within three (3) business days to the student and parent, if the student is under eighteen (18), describing the circumstances which led to the placement, identifying the alternative program to which the student is being assigned, information regarding the grievance process, and the conditions which must be met in order for the student to return to the regular school program.

Student Assignment to an Alternative Program

1. The principal shall contact the selected alternative program to set up a date and time for an intake meeting. The student and parent, if the student is under eighteen (18), a member of the school discipline team, the alternative program administrator, and other alternative program staff as determined by the alternative program administrator shall be present at the intake meeting.
 - a. A student assigned to Alternative Placement must be registered in the district before the intake meeting is held.
 - b. During the intake meeting, the principal shall communicate the district or charter school's individualized goals and expectations for the student. The individualized goals, services, and expectations shall be recorded on the student's intake form. The intake form is the checklist used to help ensure the inclusion of behavioral, academic, and other necessary information to facilitate the placement of a student at an alternative program. The intake form shall be signed by all of the attendees at the intake meeting, copied, and distributed to the student, the student's parent, if the student is under eighteen (18), and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.

Procedures for Student Monitoring while in Alternative Placement

1. After a student is in alternative placement, reviews shall be conducted at least each marking period if the student is at the elementary or middle school level or each semester if the student is at the secondary level.
2. The Student Review shall include an examination of student attendance, grades, and discipline records and whether the student is meeting the goals and expectations.
3. The review shall also include recommendations for continued progress in the alternative program or return to the regular school program.

Procedures for Student Return to the Regular School Program

When a review results in a recommendation for return to the regular school setting, a transition meeting at the student's regular school shall be held to discuss the student's return to the regular school program prior to the student's return.

1. The meeting shall take place at the school in which the student is enrolled. The meeting may be held in person or through an electronic means of communication. The meeting participants shall include the alternative program representative, the student, the parent, if the student is under eighteen (18), the principal, a teacher, a school counselor, and a student advisor, if assigned. Other individuals may be invited as determined by the district level coordinator. The district level coordinator shall have at least one (1) other person present to take notes during the meeting or shall have the meeting recorded.
2. The principal shall explain to the student and the parent, if the student is under eighteen (18), the purpose of the meeting is to:
 - a. Inform them of the recommendation for return to the regular school setting;
 - b. Review the violation of the student code of conduct that resulted in the student being assigned to an alternative placement;
 - c. Discuss the district or charter school's expectations under the student code of conduct; and
 - d. Develop the terms of the student's return.
3. The meeting shall result in a document setting forth the terms of the student's return. A copy of the document shall be provided to the student or the parent, if the student is under eighteen (18).

STUDENT EXPULSION PROCEDURES

State regulations define expulsion as "disciplinary action approved by the board of education resulting in a student being removed from the regular school program for a duration not to exceed the total number of student days in a school year from the date of approval by the board."

A student who is expelled is automatically excluded from all school activities, including but not limited to, extracurricular sports/programs, field trips, and ceremonies, and is not allowed on school property. 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.

The principal shall conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action.

If the investigation verifies that disciplinary action may be warranted, the initial due process procedures shall be followed. The superintendent shall not be a participant in the investigation.

The principal, in collaboration with the district level coordinator, shall decide whether to recommend the student for expulsion.

If the principal decides to refer the student for expulsion, the student shall be given a long-term suspension pending a decision by the board of education regarding an expulsion hearing and the procedures regarding the building level conference shall be followed.

Prior to the suspension being served, notification to the student and parent, if the

student is under eighteen (18), shall occur as written in the long-term suspension section. The written notification must also include information regarding the recommendation for expulsion.

All documentation related to the recommendation for expulsion shall be delivered to the superintendent within two (2) business days of the building level conference or seven (7) business days of the incident, whichever is sooner. Upon receipt of a recommendation for expulsion, the superintendent shall determine whether to accept the recommendation for expulsion or recommend a referral to alternative placement.

If the superintendent accepts the recommendation for expulsion, the requirements below shall be followed.

1. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of the written notice. The time period for holding the hearing may be waived by agreement of the district or charter school and the student and the student's parent, if the student is under eighteen (18).
2. The superintendent shall send written notice within ten (10) business days of the incident describing the circumstances which led to the recommendation for expulsion and providing the date, time, and location of the hearing. The student and parent, if the student is under eighteen (18), shall also be given a list of witnesses who may appear and copies of documents and other evidence that may be submitted at the hearing.
3. The district or charter school shall receive written parent permission for any witness who is under eighteen (18) years old.
4. The hearing shall be conducted by a school board of education or hearing officer.

Expulsion Hearing Decision

Within five (5) business days following the conclusion of an expulsion hearing conducted by a hearing officer, a written recommended decision shall be prepared by the hearing officer for the board of education.

The written recommended decision shall include:

1. A brief summary of the evidence and recommended findings of fact based upon the evidence;
2. Recommended conclusions of law; and
3. A recommended decision as to whether the student shall be expelled.
4. When the proposed order is submitted to the board of education, a copy shall be delivered to the student and parent, if the student is under eighteen (18), who shall have twenty (20) days to submit in writing to the board of education any exceptions, comments, and arguments respecting the proposed order.

The board of education shall review the hearing officer's recommended decision at its next public board meeting or an additional scheduled public board meeting. Based on the evidence presented at the hearing and the hearing officer's recommended decision, the board of education shall determine whether the student will be expelled. The board of education may accept, reject, or modify the hearing officer's recommended decision.

If the board of education decides to expel the student, the board of education shall expel the student with or without appropriate educational services. The board of

education's decision shall be incorporated into a written decision that is provided to the student and parent, if the student is under eighteen (18), within ten (10) business days of the board of education's meeting. The decision shall include notice of the student's right to appeal the decision to the State Board of Education.

The expulsion shall be reported to the Department through the student information system within five (5) business days of the board of education's meeting.

Decision after Board of Education Presides Over Expulsion Hearing

Following the conclusion of an expulsion hearing conducted by the board of education, the board shall frame the issues, summarize the evidence, state conclusions of fact and render its decision.

The board's decision shall be in writing and shall be based solely upon the record of the expulsion hearing over which it presided.

Expulsion Period

In calculating the period of time for the term of the expulsion, school days will be used. The student will be expelled for the total number of student days in a school year from the date of approval by the board.

A student expelled without appropriate educational services shall be unenrolled from the district or charter school during the term of the expulsion. Regardless of whether without or with services, including alternative placement, the expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

Students receiving residential services from a facility operated by DSCYF shall have the amount of school days served in such program counted as part of the calculation of time for an expulsion. This does not preclude a district or charter school from transitioning a student from a DSCYF facility to the regular school program through an alternative program. However, transition through an alternative program is not required.

Follow Up To Expulsion

1. A student who is expelled shall be informed of the duration of the expulsion.
2. The student's parent/guardian may petition the District Board for readmission to school thirty (30) calendar days prior to the expiration of the expulsion period designated by the District Board.
3. The District Board shall determine whether the student may be readmitted.
4. Under readmission to school, the following conditions are required to be met:
 - a. A behavioral contract designed by appropriate school personnel and signed by the student and parent(s)/guardian(s) must be completed prior to readmission.
 - b. A student will be placed on probation for one (1) calendar year following the date of readmission. Violation of the contract during the probationary period may result in a recommendation to the Board for expulsion.
5. A student is prohibited from being on District property during the expulsion period except when accompanied by parent(s)/guardian(s) for a scheduled appointment with school officials.

GRIEVANCE PROCEDURES

GRIEVANCE PROCEDURES FOR DISCIPLINARY ACTIONS

A grievance is another name for a complaint. A grievance exists when it is alleged that a student has been treated unfairly or has not been afforded due process. A grievance may be presented when a student or the student's parent/guardian believe that the student has been treated unfairly or in violation of Board Policy. **Please note:** Schools are required to follow the grievance procedure even if a student and/or their parent(s), legal guardian or caregiver obtains an attorney or threatens legal action.

The following persons or groups of persons may use the grievance procedures:

1. students or groups of students
2. parents/guardians of a student
3. groups of parents/guardians of students

The grievance procedure may be used as follows:

1. Where it is alleged that any student or group of students:
 - Is being denied access to an appropriate educational opportunity
 - Is being denied participation in any school activity for which the student is eligible
 - Is being denied the opportunity to compete for a position in an activity where the selection is limited
 - Is being subjected to an arbitrary or unreasonable regulation, procedure or standard of conduct
2. Where it is alleged that the rights of an individual student and/or group of students are being denied or abridged

The Process of Filing a Grievance

1. The grievant shall request a conference, in writing, with the District representative(s) who allegedly treated the student unfairly within **three (3) school days** following the alleged act. The written request must identify the act being grieved. (Written communication from a student, parent, and/or caregiver does not need to contain the word "appeal" or "grievance" to be considered an exercise of the procedures for appealing a suspension. When in doubt it should be presumed that the communication constitutes a grievance).
2. A conference shall be held within **five (5) school days after the request**, unless the parties agree in writing to a later date. The conference may be held in person or through an electronic means of communication. The school and/or Administrator must provide the grievant each step of the grievance process in writing to ensure the student and/or their parent/guardian understand their grievance rights. If the conferences fail to resolve the complaint, the grievant may file a written grievance with the Principal and/or Supervisor of the affected staff member(s) **within five (5) days of the conference**.
3. Prior to issuing the Grievance decision, the Principal must:
 - review all written documentation;
 - determine whether sufficient evidence exists to find:
 - o the alleged violation occurred; and
 - o if the assigned consequence was appropriate.
4. The Principal shall, provide a written statement stating the reason(s) for the Principal's decision, no later than **three (3) school days following the request**.

5. The grievant wishing to appeal the Principal's decision must file a written appeal with the Superintendent or designee **no later than five (5) days from the date of the Principal's written decision** stating with specificity the reason(s) the problem could not be resolved.
6. The Superintendent or designee shall resolve the appeal by investigating the situation, reviewing the written appeal/records, and/or scheduling a conference to hear the grievance **no later than five (5) school days following receipt of the written request** for appeal and shall render a decision, in writing, **no later than five (5) school days after the investigating/conference. This decision shall be final.**

Students shall remain in school pending the final determination on the complaint.

This "stay-put" provision does not apply:

- If a suspension is for less than three (3) school days;
- If the student is being suspended as a first step in the process for an expulsion or alternative placement for more than 10 school days;
- If the student has been charged with a criminal offense for an act committed outside of school;
- If the Principal determines the act allegedly committed by the student is a threat to the health, safety or welfare of the staff or other students in the building.

OUT-OF-SCHOOL CONDUCT

Public school districts in the State of Delaware are 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. 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 a controlled substance in the community, they may be expelled from school. Students' out-of-school behavior can result in expulsion from school or placement in an alternative program.

COMBINATION OF OFFENSES

In single instances where more than one violation of the Student Code of Conduct occurs prior to disciplinary action being taken, the student may be dealt with at the highest level and may be given the most severe action allowed for any of the offenses committed.

MANDATORY REPORTING TO POLICE PER SCHOOL CRIME REPORTING LAW Delaware Code Title 14 Del. C §4112

Delaware Code **requires mandatory reporting** of the offenses listed in 14 Del. C §4112. School employees who have reliable information that would lead a reasonable person to believe that one of the following has occurred on school property or at a school function must immediately report the incident to the Principal or designee:

MANDATORY REPORT 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
- Unlawful sexual contact and/or sexual harassment against a student, school employee, or volunteer
- Possession of a dangerous instrument or deadly weapon or bomb by a student
- Possession of an unlawful controlled substance including: prescription drugs and counterfeit drugs

The Principal or designee will make every effort to notify the parent(s)/guardian(s) and will conduct a thorough investigation and/or if warranted by statute will report to the police authorities. In addition, the Principal will make every effort to notify the parent(s)/guardian(s) of any juvenile victim. The following list is not all-inclusive, but, at a minimum, the following **shall be** reported to the appropriate law enforcement agency.

- Evidence that suggests the commission of the crimes of assault and extortion against pupil, or an assault or extortion against a school employee
- Evidence that suggests the commission of a felony, for example: reckless endangering; assault offenses; homicide; arson; criminal mischief; bombs; robbery; rape; extortion; fraud; forgery; weapons; etc.
- Evidence that suggests violations of the laws concerning controlled substances and alcohol
- Evidence that suggests incest, sexual abuse or the neglect or other abuse of children
- Evidence that suggests the use, possession or sale of dangerous instruments or deadly weapons, (e.g. knives, firearms, ammunition, explosives, or blasting caps)
- Evidence that suggests morals offense (e.g. pornography, exhibitionism, peeping, etc.)
- Evidence that suggests organized gambling
- Evidence of offenses involving school property, e.g. false fire alarms, telephone threats, computer crimes, vandalism and criminal mischief, trespass, burglary and theft, reckless driving, and safety hazards
- Reports of suspicious persons or unauthorized persons on or near school grounds or property, or rumors, information or observations of gang rivalries or activities (these activities need not be reported to the State Board of Education)

ANNUAL NOTICE

Title IX

Under Title IX of the Education Amendments of 1972, each school district that receives federal financial assistance must designate at least one employee to coordinate the district's compliance with its responsibilities under Title IX, and to investigate complaints alleging sex discrimination, including sexual harassment. The Brandywine School District has assigned Title IX Compliance Officers responsibilities to two individuals based on grade level clusters. All questions or concerns regarding sex discrimination, sexual harassment, or other matters relating to Title IX should be

directed to the Compliance Officers listed below. For additional information regarding Title IX, see Appendix VIII.

Student Matters

Dr. Yolanda McKinney
Director of Culture and Climate
Brandywine School District
1311 Brandywine Blvd. • Wilmington, DE 19809 • (302) 793-5028

Staff Matters

Ms. Rebecca Reggio
Director of Human Resources
Brandywine School District
1311 Brandywine Blvd. • Wilmington, DE 19809 • (302) 793-5074

Section 504

Section 504 of the Rehabilitation Act of 1973 requires school districts to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. The District’s ADA/504 Compliance Officer ensures compliance with the Americans with Disabilities (ADA) Act, Sections 503 and 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations pertaining to persons with disabilities. All questions or concerns regarding Section 504 or the Americans with Disabilities Act should be directed to the Compliance Officer listed below. For additional information regarding Section 504, see Appendix VII.

PK – 12th Grade and 18 to 22 Year Old Programs

Dr. Natalie Hess	or	Melissa Frabizzio
Director, Special Education		Supervisor Spec Ed Compliance
(302) 793-5043		(302) 762-1694
Brandywine School District		
1311 Brandywine Blvd. • Wilmington, DE 19809		

Students Records

The Family Education Rights and Privacy Act (FERPA) affords parents/guardians (and students over eighteen (18) years of age) certain rights concerning the student’s school record. These rights include the following:

1. Parents/guardians may submit to the school principal a written request identifying records they wish to inspect. The principal will notify them of the time and place at which records may be inspected. The Principal must allow them to see the records within 45 days from receiving the request.
2. Parents/guardians may ask the District to amend a record they believe is inaccurate by submitting to the principal a written request identifying the part of the record they want changed and specifying why it is inaccurate. If the District denies the request, the District will notify them of the decision, advise of the right to a hearing, and provide the hearing procedures.
3. Parents/guardians may file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA by submitting a complaint to:
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W. • Washington, DC 20202-4605

Informational Surveys

The Protection of Pupil Rights Amendment (PPRA) affords parents/guardians (and students over eighteen (18) years of age) certain rights regarding the District's administration of surveys, collection and use of survey data, and certain physical examinations as follows:

1. The District is required to obtain consent permitting a student to participate in certain school activities, or parents/guardians may elect to opt out of such activities. These activities, known as protected information surveys, include a student survey, analysis, or evaluation concerning one or more of the following:
 - a. political affiliations or beliefs of the student or student's parents/guardians
 - b. mental or psychological problems of the student or student's household
 - c. sexual behaviors or attitudes
 - d. illegal, anti-social, self-incriminating or demeaning behavior
 - e. critical appraisals of others with whom respondents have close family relationships
 - f. legally recognized privileged relationships, such as with lawyers, doctors, or clergy
 - g. religious practices, affiliations, or beliefs of the student or parents/guardians
 - h. income, other than as required by law to determine program eligibility
2. The District is required to notify parents of the dates of the following activities and provide an opportunity to opt a student out of participation of the following:
 - a. any protected information survey, regardless of funding source
 - b. any non-emergency invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student except for hearing, vision, and scoliosis screenings, or any physical examination or screening permitted or required under state law.
 - c. activities involving collection, disclosure or use of personal information obtained from students for marketing, to sell, or otherwise distribute the information to others.
3. Parents/guardians may, upon request, inspect the following:
 - a. protected information surveys of students
 - b. instruments used to collect personal information from students for marketing, sales, or other distribution purposes
 - c. instructional materials used as part of the education curriculum
4. Parents/guardians may file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA by submitting a complaint to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W. • Washington, DC 20202-4605

Directory Information

The District may disclose certain information, known as directory information, in its discretion without consent. Parents/guardians, or students eighteen years of age or older, may refuse to permit the release of any or all directory information. If Parents/guardians, or students eighteen years of age or older do not want directory information released, they must send written notice annually to the Superintendent of the District at 1311 Brandywine Blvd., Wilmington, DE 19809. Such notice must be received within 30 calendar days of the student receipt of this Student Code of Conduct. The following information is considered directory information: name, address, telephone number, date and place of birth, grade level, participation in

officially recognized activities and sports, weight and height of student athletes, dates of attendance, degrees and awards received, and photographs of students in school or school activities provided the photographs do not reveal information concerning academic placement. Examples of the District's release of directory information include, but are not limited to: a program showing a student's role in a musical, the annual yearbook, graduation diplomas and programs, athletic program team rosters, school newspapers, educational technology programs that require class rosters and names of individual students for account creation, college enrollment tracking through the National Student Clearinghouse, and the like.

Parents' Right to Know

Under the Elementary and Secondary Education Act, a parent has the right to know the following information:

- the qualification(s) of the school staff providing instruction to their child.
- their child's level of achievement in each state academic assessment.
- whether or not their child has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who is not highly qualified.

A website has been set up for you to obtain this information at <https://deeds30.doe.k12.de.us/#/VerifyLicense>. Follow the prompts on the screen to seek information with regard to the certification(s) of your child's teacher(s).

Asbestos Notification

All school districts are required to have a detailed inspection of each building to determine the existence, location, and condition of asbestos containing materials. As per Environmental Protection Agency (EPA) guidelines, every Local Education Agency (LEA) must notify all workers, building occupants and legal guardian of all inspections, re-inspections, and activities being conducted to control asbestos exposure, including periodic surveillance and asbestos removal that are planned or in progress.

In accordance with the EPA regulations pertaining to the management of asbestos in schools, the Brandywine School District has had the required inspections. All inspection records are filed and maintained in the Brandywine School District's Asbestos Hazardous Emergency Response Act (AHERA) management plan. This plan is available for all to review and is in the BSD Facilities Department and each respective school building. If you have any questions regarding these subjects, please contact the Supervisor of Facilities Management at (302) 792-3826.

STATE OF DELAWARE OMBUDSPERSON

BULLYING

Bullying among children and adolescents is a worldwide problem, and children in Delaware are not immune. To combat the negative effects of bullying, Delaware has a school bullying prevention law which requires public schools in the state to adopt policies to address the issue. A full copy of the Brandywine School District's Anti-Bullying Policy can be found in Appendix II.

Additionally, the Delaware Department of Justice has a School Ombudsman who can assist with bullying issues. The hotline number is **1-800-220-5414**. The bullying resources located on this site can assist students, parents, and school personnel to

better understand processes and programs to effectively address the issue of bullying within the school environment.

ROUTE 9 COMMUNITY DEVELOPMENT CORPORATION (Student Advocacy Center)

The Delaware Public Education Ombudsperson Program was established to assist students and their families to advocate and resolve educational disputes. Additionally, their role is to collaborate with students, families and stakeholders to address systemic gaps in public education by identifying strategies and developing best practices. Themes may include equity, discipline, academic and social-emotional skills, trauma-informed and/or restorative practices.

Contact Information

Devon Hynson, Advocacy Director
(302) 327-1088
dhynson@route9cdc.org

Shannon Griffin, Program Director
(302) 946-0544
sgriffin@route9cdc.org

Address:

510 W. 28th St. (Wisdom Center)
Wilmington, DE 19802

BEHAVIORAL MATRIX

The matrix and the corresponding keys (interventions and corrective steps) below outline guidelines for administrators.

*See key below for 1-5 criteria.

Offense/Violation	1	2	3	4	5
Academic Dishonesty	X				
Assault Causing Physical Injury	X	X	X	X	X
Attorney General Report	X	X	X	X	X
Bullying/Harassment	X	X	X	X	
Careless & Reckless Behavior	X	X	X		
Consensual Sexual Misconduct	X	X	X		
Defiance of School Authority	X	X	X		
Destruction of Property	X	X	X		
Disruptive Behavior	X	X	X		
Distribution of Alcohol or Drugs	X	X	X	X	X
Dress Code Violation	X				
Exposure	X	X	X		
Falsely Signing & Impersonating	X				
Fighting/Mutual Group Fight	X	X	X	X	
Hate Speech and Conduct	X	X	X		
Inappropriate Language & Gestures	X	X	X		
Inappropriate Touch- Employee Victim	X	X	X	X	
Inappropriate Touch- Student Victim	X	X	X		
Instigation	X	X	X		
Leaving School Grounds Without Permission	X				
Loitering	X				
Misuse of Technology	X	X	X		
Other School Crime	X	X	X	X	X
Possession or Production of Pornography	X	X	X	X	
Possession or Use of Alcohol or Drugs	X	X	X	X	
Possession or use of Dangerous Instrument	X	X	X		
Possession or use of a Deadly Weapon	X	X	X	X	
Possession or Use of Explosive Devices	X	X	X	X	X
Possession or Use of Firearms	X	X	X	X	X
Possession or Use of Nonprescription or Prescription Medications	X	X	X		
Possession or Use of Tobacco or Electronic Smoking Devices	X	X	X		
Rape	X	X	X	X	X
Robbery	X	X	X	X	
Safety Violation	X	X	X	X	
Sexual Assault	X	X	X	X	X
Skiping and Leaving Class	X				
Tardiness to School and Class	X				
Theft	X	X	X		
Threat of Physical Attack with Weapon	X	X	X	X	
Threat of Physical Attack without Weapon	X	X	X		
Threatening Mass Violence	X	X	X	X	
Unauthorized Use of an Electronic Device	X	X	X		
Unsafe Item	X	X	X		

INTERVENTION

Brandywine School District is committed to fostering a positive school climate that supports students both academically and socially. Through a Multi-Tiered System of Supports (MTSS), the district emphasizes proactive and preventative strategies to promote positive behaviors. Using a structured five-tiered approach, behavioral supports, restorative practices, and interventions are designed to guide students toward success. These supports not only help prevent behavioral challenges but also provide structured interventions when needed, ensuring students receive the necessary guidance to prevent future occurrences.

Intervention 1:

- Classroom Level interventions (may be appropriate based on grade level)
- *If these interventions are successful, referral to the school administrator may not be necessary. FYI, documentation would be appropriate*
- Staff explanation, review Tier 1 behavior expectations, modeling, and correction.
- Removal of unsafe item
- Student Choice
- Increased Reinforcement
- Incentive/Reward systems
- Flexible Seating
- Opportunities for Movement
- Proximity Control
- The teacher notifies the Parent/guardian
- Teacher conference with student
- Restorative Conversation/circle, if appropriate
- Refocus Area/Cool Down Area in Classroom (Zen Den, Peace Place, etc.)
- Social-Emotional Learning Lessons
- Peer Buddy
- Longer Transition Time
- Use of a Student Problem Solving Worksheet

Intervention 2:

- Level 1 Interventions may also be appropriate
- *In some cases, referral to the school administrator may be necessary*
- Conference with parent/guardian and teacher
- Peer Mediation
- Check-in/Check-out (CICO)
- Visual Schedule
- Specialized break passes
- Reteaching Tier 1 behavior expectations, small setting
- Increased ratio of positive to negative acknowledgments
- Parent/Guardian Involvement
- Restorative Practices
- Refocus Area/Cool Down Area outside the Classroom
- Social-Emotional Learning Lessons: enrichment activities
- Verbal or written apology
- Referral to school counselor/social worker

Intervention 3:

- Level 1-2 Interventions may also be appropriate
- *RAP referral required*
- Staff explanation, review Tier 1 behavior expectations, modeling, and correction

- Referral to MTSS Problem Solving Team
- Mentoring
- Referral to a School Social Skills Group (PST)
- Functional Behavior Assessment (FBA)
- Refocus Area/Cool Down Area outside the Classroom
- Social-Emotional Learning Lessons “double dose” in a smaller group setting (Tier 2)

Intervention 4:

- Level 1-3 Interventions may also be appropriate
- *RAP referral required*
- Conference with parent/guardian and teacher
- Parent/guardian shadow or observe student in school
- Safety Plan
- Schedule Change
- Explicit instruction in emotional regulation
- Functional Behavior Assessment (FBA)
- Behavior Support Plan (BSP)

Intervention 5:

- Level 1-4 Interventions may also be appropriate
- *RAP referral required*
- Staff explanation, review Tier 1 behavior expectations, modeling, and correction
- Referral to MTSS Problem Solving Team
- Collaboration among community resources, agencies, and parent groups
- Safety Plan
- Restorative Practices
- Threat Assessment
- Risk Assessment
- Community Agency Support
- Higher Level of Care (HLC)

CORRECTIVE STEPS

A key focus of the Student Code of Conduct is to ensure appropriate disciplinary consequences that promote student accountability and positive behavior growth. Within the framework of a Multi-Tiered System of Supports (MTSS), discipline is approached through proactive and restorative strategies that address behavior while fostering a supportive learning environment. While administrative personnel hold primary responsibility for implementing discipline policies, all staff play a crucial role in guiding and supporting students. Administrators will apply consequences based on the corresponding level, beginning with the least intensive option and progressing as needed, considering the severity, age, and frequency of the behavior.

Corrective Step 1:

- *If these interventions are successful, referral to the school administrator may not be necessary. FYI, documentation would be appropriate*
- Parent notification
- Reprimand
- Teacher Contact Parent
- Temporary removal from class
- Restoration/Restitution
- Detention
- SEL assignment or project
- Verbal or written apology

Corrective Step 2:

- Corrective Step 1 consequences may also be utilized
- *In some cases, referral to the school administrator may be necessary*
- Parent notification
- Restoration/Restitution
- Confiscate item
- Cancellation of privileges such as, but not limited to, before and/or after school activities
- In-school suspension
- Parent/Guardian Conference
- Restorative Conversation

Corrective Step 3:

- Corrective Step 1-2 Consequences may also be utilized
- *RAP referral required*
- Parent notification
- Class or Schedule Change
- 1-2 day suspension
- Denial of driving privileges
- Referral to the MTSS problem-solving team

Corrective Step 4:

- Corrective Step 1-3 Consequences may also be utilized
- *RAP referral required*
- Parent notification
- 3-5 day suspension
- Consultation with the district Alternative Placement Team representative
- Optional referral to the district Alternative Placement Team

- Police notification, if required by law
- Mandatory DFS reporting if required

Corrective Step 5:

- Corrective Step 1-4 Consequences may also be utilized
- *RAP referral required.*
- Parent notification
- Extended suspension of an additional 1-5 days with district office approval
- Consultation with the district Alternative Placement Team representative
- Building-level conference
- Manifestation determination if the student has entitlements under 504 or IDEA
- Optional referral to the district Alternative Placement Team
- Expulsion (to be considered only in the most severe cases). See protocol.

VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Any student who hinders an investigation or 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 may be subject to the same disciplinary action as the individual who committed the violation. While on the school bus, drivers will have the same authority as teachers.

Consideration will be given to the interventions/consequences listed for each Code of Conduct violation. The specific circumstances of the incident and the needs of the impacted student(s) will determine which interventions/consequences are assigned. Administrators retain flexibility in assigning interventions/consequences based on data.

Level I

Disruptive Behavior (S0091): Students who intentionally disrupt the school environment by not following expectations and/or interrupting learning or school activities despite non-verbal and verbal redirection. This can include excessive talking that limits others' ability to learn and behaviors by the student or with other students that are distracting to other persons.

Grades K – 5: Level I Offense	Grades 6 – 12: Level I Offense
<p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian notification <p>Optional:</p> <ul style="list-style-type: none"> • Verbal or written apology, if appropriate/applicable <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Referral to MTSS Problem Solving Team <p>Optional:</p> <ul style="list-style-type: none"> • Restoration or Restitution • Cancellation of privileges such as, but not limited to, before and/or after school activities • Detention and/or Suspension 3rd - 5th only (1 day) 	<p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian notification <p>Optional:</p> <ul style="list-style-type: none"> • Verbal or written apology, if appropriate/applicable • Restorative circle (if applicable) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • Restorative circle (if applicable) • Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none"> • Restoration or Restitution • SEL assignment/project • Cancellation of privileges such as, but not limited to, before and/or after school activities • Detention and/or Suspension (1-2 days)

Dress Code Violation (S0291): Failure to comply with the school-level dress code. Dressing in a manner that is unsafe and/or disrupts the learning environment. This includes, but is not limited to clothing that promotes drugs, alcohol, or profanity.

<p>Grades K – 5: Level I Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Provide alternative option if available• Parent/Guardian notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Provide alternative option if available• Staff offer of support or assistance <p>Optional:</p> <ul style="list-style-type: none">• Request Parent/Guardian to bring/ send acceptable alternative clothing for student	<p>Grades 6 – 12: Level I Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Provide alternative option if available• Parent/Guardian notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Staff offer of support or assistance <p>Optional:</p> <ul style="list-style-type: none">• Detention• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Loitering (S0071): Student’s unauthorized presence in any school area for an extended period of time and/or student’s failure to leave the school grounds at the time designated.

<p>Grades K – 5: Level I Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian/Staff notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian/Administrator conference• Referral to school counselor/social worker• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level I Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff inquiry & redirection• Parent/Guardian/Staff notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff inquiry & redirection• Parent/Guardian/Administrator conference• Referral to school counselor/social worker• Detention• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Tardiness to School & Class (S1008): Unexcused lateness to school or class without authorization or permission.

<p>Grades K – 5: Level I Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification• Attendance support strategies <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Teacher conference• Staff/student restorative conversation• Alternate/Additional attendance strategies implemented• Attendance Action Plan	<p>Grades 6 – 12: Level I Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Attendance support strategies <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification• Staff/student restorative conversation• Alternate/Additional Tier 1 MTSS support strategies implemented• Attendance Action Plan <p>Optional:</p> <ul style="list-style-type: none">• Detention• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Unsafe Item(s) (S0131): Any item, device or substance that may be deemed disruptive (not a weapon) and/or is used for a purpose in which it was not intended.

<p>Grades K – 5: Level I Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff inquiry & explanation• Removal of unsafe item• Parent/Guardian notification <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Removal of unsafe item & returned to parent/guardian only• Parent/Guardian conference• Referral to school counselor• Referral to MTSS team• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level I Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff inquiry & explanation• Removal of unsafe item• Parent/Guardian notification <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Removal of unsafe item & returned to parent/guardian only• Parent/Guardian conference <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension (1-2 days)• Referral to school counselor• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Level II

Academic Dishonesty (S1002): 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, (4) presenting quotations, words or ideas without proper references or credit (plagiarism), (5) unauthorized use of AI for completion of student assignments, and (6) collusion, working together to provide or receive answers on an independent assignment or assessment.

1. Copying work from another student or an online source
2. Unauthorized use of notes or sharing answers during a test or unauthorized technology use
3. Presenting another person's work as one's own
4. Unauthorized use of quotes, ideas, and intellectual property of another person without proper references or credit (plagiarism).

Grades K – 5: Level II Offense	Grades 6 – 12: Level II Offense
<u>First Offense</u> Required: <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian notification• Resubmission of assignment <u>Subsequent Offenses</u> Required: <ul style="list-style-type: none">• Parent/Guardian notification and conference• SEL assignment/project• Resubmission of assignment Optional: <ul style="list-style-type: none">• Detention	<u>First Offense</u> Required: <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian notification• Resubmission of assignment Optional: <ul style="list-style-type: none">• Grading Penalty (max penalty of a 30% reduction) <u>Subsequent Offenses</u> Required: <ul style="list-style-type: none">• Parent/Guardian notification and conference• SEL assignment/project Optional: <ul style="list-style-type: none">• Detention• Resubmission of assignment• Grading penalty

Careless & Reckless Behavior (S0107): Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Restoration &/or Restitution <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Suspension for 3rd - 5th grade only (1-2 days)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Restoration &/or Restitution <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Detention &/or Suspension (1-2 days)
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Consensual Sexual Misconduct (S0108): Consensual sexual act(s) between students within the school environment. This may require a report to the Division of Family Services. Please refer to the Model Policy for Responding to Student Sexual, Physical and Emotional Misconduct in Delaware Schools for more information, visit www.education.delaware.gov.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian notification • SEL assignment/project <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Parent/guardian conference • Staff/student restorative conversation • SEL assignment/project • Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension for 3rd - 5th grade only (1-2 days) 	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian notification • SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none"> • Detention &/or Suspension (1-2 days) <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Parent/guardian conference • Staff/student restorative conversation • SEL assignment/project • Referral to MTSS Problem Solving Team (PST) • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities
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Defiance of School Authority (S1003): A verbal or non-verbal refusal to 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 that causes either a substantial disruption or material interference with school activities. This does not include a student who walks away to de-escalate or manage their emotions.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/guardian notification• Restoration &/or Restitution <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Detention and/or Suspension 3rd - 5th grade only (1 day)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/guardian notification• Restoration &/or Restitution <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable• Detention <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Suspension (1-2 days)
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Destruction of Property (D0301): Students who damage or deface school property or the personal property of another person. This includes tampering with security, medical, or fire protective equipment.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification <p>Optional:</p> <ul style="list-style-type: none">• Restoration &/or Restitution <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Restoration &/or Restitution• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension 3rd - 5th grade only (1 day)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification <p>Optional:</p> <ul style="list-style-type: none">• Restoration &/or Restitution• Detention and/or Suspension (1 day) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Restoration &/or Restitution• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension (1-2 days)
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Exposure (D2012): Students who expose their genitals, breasts, or buttocks to another person.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Suspension for 3rd - 5th grade only (1-2 days)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension (1 day) <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to MTSS Problem Solving Team (PST)• Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Falsely Signing & Impersonating (S1004): Falsely or fraudulently signing or altering a document or electronic record such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others inaccurately via electronic, verbal or written means.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to counseling services <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Loss of technology privileges for non-instructional purposes and/or requirement of supervision while in use	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to counseling services <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Loss of technology privileges for non-instructional purposes and/or requirement of supervision while in use
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Hate Speech and Conduct (D0750): Verbal or electronic communication and/or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear and/or causing emotional distress.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project• Technology review (if applicable)• Restoration <p>Optional:</p> <ul style="list-style-type: none">• Self-reflection (if applicable)• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• Restoration• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension 3rd - 5th grade only (1-2 days)• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project• Technology review (if applicable)• Restoration <p>Optional:</p> <ul style="list-style-type: none">• Self-reflection (if applicable)• Restorative Circle (if applicable, appropriate)• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• Restoration• Referral to MTSS Problem Solving Team (PST)• Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Inappropriate Language & Gestures (S1005): Cursing/swearing or using written or spoken language, gestures, electronic images, photos, or actions, directed towards another person, that are considered sexually explicit, offensive, obscene, or vulgar.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• Referral to MTSS Problem Solving Team (PST)• Referral to school counselor (if appropriate/applicable) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Detention	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable• Detention <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification• Staff/student restorative conversation <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Detention and/or Suspension (1 - 2 days)
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Instigation (S0302): Students incite aggressive or physical conflict between two or more students that result in a confrontation without directly participating in the confrontation.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension 3rd - 5th grade only (1 day)• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension (1 day) <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Staff/student restorative conversation• SEL assignment/project• Referral to MTSS Problem Solving Team (PST)• Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Leaving School Grounds without Permission (S0051): Leaving the school building or the school grounds during school hours without required staff permission.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian notification and/or conference• SEL assignment/project• Police notification, only if necessary <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Referral to MTSS Problem Solving Team (PST)• Police notification, only if necessary <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention (1-2 days)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• Parent/Guardian notification• Police notification, only if necessary <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Referral to MTSS Problem Solving Team (PST)• Police notification, only if necessary <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention
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Misuse of Technology (S1006): Any use of school technology for unauthorized purposes such as, but not limited to, copying software, inappropriate internet or email usage, **unauthorized use of school issued electronic devices**, tampering with databases, passwords or configurations, or deletion of files. Also includes the use of school technology equipment in: soliciting, using, posting on social media, receiving or sending, or the creation of inappropriate images or materials; or accessing unauthorized email; or the unauthorized downloading and/or installing of files; or intentionally damaging technology equipment in the school environment.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff explanation, modeling & correction• Parent/Guardian notification• SEL or technology assignment/project• Restoration &/or Restitution (if applicable, appropriate) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• SEL assignment/project or technology use review• Restoration &/or Restitution (if applicable, appropriate)• Parent/Guardian conference• Cancellation of user privileges for recreational purposes	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• Parent/Guardian notification• SEL assignment/project or technology use review• Restoration &/or Restitution (if applicable, appropriate) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• SEL assignment/project or technology use review• Restoration &/or Restitution (if applicable, appropriate)• Parent/Guardian conference• Cancellation of user privileges for recreational purposes• Detention and/or Suspension (1-2 days)
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Possession or Use of Nonprescription or Prescription Medications (D1601): Students who use or are under the influence of nonprescription and/or prescription medications, or who are found to be in possession of nonprescription and/or prescription medications in the school environment without proper documentation.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Confiscate item• SEL assignment/project• Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/guardian conference• Staff/student restorative conversation• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Detention and/or Suspension 3rd - 5th grade only (1 day)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• Confiscate item• SEL assignment/project• Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none">• Verbal or written apology, if appropriate/applicable• Detention <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/guardian conference• Staff/student restorative conversation• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Verbal or written apology, if appropriate/applicable• Suspension (1-2 days)
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Possession or Use of Tobacco or Electronic Smoking Devices (D1401): Students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes, but is not limited to products containing tobacco, electronic cigarettes and any vape device.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project• Confiscation• Detention• Referral to school counselor and/or social worker <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification and/or conference• SEL assignment/project• Referral to MTSS Problem Solving Team (PST)• Referral to program for tobacco prevention <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension 3rd - 5th grade only (1 day)• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian notification• SEL assignment/project• Confiscation• Detention• Referral to school counselor and/or social worker <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification and/or conference• SEL assignment/project• Referral to MTSS Problem Solving Team (PST)• Referral to program for tobacco prevention <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension (1-2 days)• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Skippping and Leaving Class (S1007): Absence from school or class without authorization or permission and/or leaving the assigned classroom without permission.

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian notification <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Referral to MTSS Problem Solving Team (PST)	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student conference• Parent/Guardian notification• Detention <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian mandatory conference• Referral to MTSS Problem Solving Team (PST)• Detention <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Theft (Less than \$1500) (S0111): Students who take, obtain, or intentionally have possession of school property or the personal property of another person(s). **Theft (\$1500 or more) (D0601):** Students who take school property or the personal property of another person(s).

<p>Grades K – 5: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff explanation & correction• Parent/Guardian notification• SEL assignment/project• Restoration &/or Restitution (if applicable, appropriate) <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification and/or conference• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention	<p>Grades 6 – 12: Level II Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student conference• Parent/Guardian notification• SEL assignment/project• Restoration &/or Restitution (if applicable, appropriate) <p>Optional:</p> <ul style="list-style-type: none">• Detention• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Parent/Guardian notification and/or conference• Police notification, if necessary• Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Suspension (1-2 days)
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Unauthorized Use of an Electronic Device (S1009): In accordance with Senate Bill 106, and BSD Board Policy 6.16, students who engage in non-educational activities in the school environment, including but not limited to creating, capturing, distributing, displaying, sharing, and/or posting of inappropriate images, videos, movies, and/or music from personal devices. Engaging in social media, texting, playing games, and/or streaming that disrupts the learning environment.

Grades K – 5: Level II Offense	Grades 6 – 12: Level II Offense
<p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian notification • Confiscate item <p>Optional:</p> <ul style="list-style-type: none"> • Detention • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Parent/Guardian notification and/or conference • Device confiscated and returned at the end of the day <p>Optional:</p> <ul style="list-style-type: none"> • Parent/Guardian must come to school to retrieve the cell phones/ electronic devices • Detention and/or Suspension (1-2 days) • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian notification • Confiscate item <p>Optional:</p> <ul style="list-style-type: none"> • Detention • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Parent/Guardian notification and/or conference • Device confiscated and returned at the end of the day <p>Optional:</p> <ul style="list-style-type: none"> • Parent/Guardian must come to school to retrieve the cell phones/ electronic devices • Detention and/or Suspension (1-2 days) • Cancellation of privileges such as, but not limited to, before and/or after school activities

Level III

Bullying (D0701): Means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:

- a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student's, volunteer's, or employee's emotional or physical well-being or substantial damages to the student's, volunteer's, or employee's property.
- b. Create 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.
- c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
- d. Perpetuate 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 district or charter school volunteer, or school district or charter school employee. The checkbox on the event details screen should be used for any substantiated bullying incidents.

Harassment (D2013): Students who engage in unwelcome verbal, written, electronic, graphic or physical conduct relating to another person's actual or perceived sex, gender, age, race, color, national origin, sexual orientation, gender identity expression, pregnancy or related conditions, religion, disability, English language proficiency, socioeconomic status, and/or physical appearance. The behavior must be considered severe, persistent or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. The harassment type must also be specified on the participant details screen.

Bullying and harassment: continued on next page

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Police notification, if required by law <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Detention <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Parent/Guardian conference • Referral MTSS Problem Solving Team (PST) • Detention • Police notification, if required by law <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (1 day) 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Police notification, if required by law • Detention <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (1 day) • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Parent/Guardian conference • Referral MTSS Problem Solving Team (PST) • Police notification, if required by law • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (3-5 days) • Referral to Alternative Placement Team
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Fighting (D1101): Students who willingly engage in a one-on-one physical altercation. This is a physical altercation in which none of the participants are identified as victims.

Mutual Group Fight (D2016): Students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• Restorative conference, if appropriate• Parent/Guardian conference• SEL assignment/project• Police notification if required by law <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension (1 day) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• Parent/Guardian conference upon return to school• Referral to MTSS Problem Solving Team (PST)• Police notification if required by law <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension (1-2 days)	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• Restorative conference, if appropriate• Parent/Guardian conference• Police notification if required by law• Restorative circle (if applicable/ appropriate)• Detention and/or Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student conference• Restorative conference, if appropriate• Parent/Guardian conference required upon return to school• Referral to MTSS Problem Solving Team (PST)• Police notification if required by law• Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to Alternative Placement Team
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Inappropriate Touch - Employee Victim (D2014): Students who intentionally engage in physical aggression towards a school employee or volunteer either with their own body or with an object and it does not result in physical injury. This includes, but is not limited to pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on a school employee or volunteer. The behavior does not have to include intent to harm. This offense should be used for students under the age of 12 who caused a physical injury to a school employee or volunteer that is not classified as serious.

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none"> • Referral MTSS Problem Solving Team (PST) • Detention and/or Suspension (1-2 days) • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Referral to MTSS Problem Solving Team (PST) <p>Optional:</p> <ul style="list-style-type: none"> • Detention and/or Suspension (2-3 days) • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • Restorative circle (if applicable/ appropriate) • SEL assignment/project • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Referral to MTSS Problem Solving Team (PST) • Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none"> • Referral to Alternative Placement Team • Cancellation of privileges such as, but not limited to, before and/or after school activities
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Inappropriate Touch - Student Victim (D2015): Students who intentionally engage in physical aggression towards another student either with their own body or with an object and it does not result in physical injury. This includes, but is not limited to pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on another student. The behavior does not have to include intent to harm. This offense should be used for students under the age of 12 who caused a physical injury to another student that is not classified as serious.

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference required upon return to school• Referral to MTSS Problem Solving Team <p>Optional:</p> <ul style="list-style-type: none">• Detention and/or Suspension (1 day)• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative circle, if appropriate• Parent/Guardian conference• SEL assignment/project• Detention and/or Suspension (1 day) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference required upon return to school• Referral to MTSS Problem Solving Team• Detention and/or Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Possession or Production of Pornography (D0101): Students who possess, share, or produce any known pornographic or obscene material in the school environment. This would include a student who distributes photos or videos of another student who did not consent to getting their photos taken or shared, or cannot consent to the photos due to their age (under age 12).

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • Police notification if required by law • Detention <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Referral to MTSS Problem Solving Team • Police notification if required by law • Suspension (1 day) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (2 days) 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • Police notification if required by law • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (2-3 days) • Restorative Circle (if applicable, appropriate) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Referral to MTSS Problem Solving Team • Police notification if required by law • Suspension (2-3 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (3-5 days)
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Safety Violation (S0102): Students who engage in any behavior that is not appropriate for school and has the potential to put the students or others in danger.

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student conference • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Detention and/or Suspension (1 day) <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student conference • Restorative conference, if appropriate • Parent/Guardian conference upon return to school • Referral to support services and/or MTSS Problem Solving Team <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student conference • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Detention <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student conference • Restorative conference, if appropriate • Parent/Guardian conference upon return to school • Referral to support services and/or MTSS Problem Solving Team • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities
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Threatening Mass Violence (C0730): Students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm in the school environment. This includes, but is not limited to bomb threats and other threats that are likely to cause an evacuation of a building. See Threats of Physical Attack w/ and w/out a weapon for threats against people.

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Police notification if required by law <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (1 day) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Referral to MTSS Problem Solving Team • Police notification if required by law • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Police notification if required by law • Detention and/or Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Referral to MTSS Problem Solving Team • Police notification if required by law • Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none"> • Referral to Alternative Placement Team • Cancellation of privileges such as, but not limited to, before and/or after school activities
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Threat of Physical Attack with Weapon (C0102): Students who threaten to engage in an act that causes harm and introduces fear in another person, and the threat is made while displaying, brandishing, or discharging a weapon but with no actual physical contact of any person. **A threat may or may not be made in person. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.**

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Confiscate item • Detention (1 day) • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (1 day) 3rd - 5th grade only <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Police notification if required by law • Referral to Alternative Placement Team • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) 3rd - 5th grade only • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Confiscate item • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) • Referral to Alternative Placement Team • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Referral to Alternative Placement Team • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Police notification if required by law • Suspension (2-3 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (3-5 days) • Cancellation of privileges such as, but not limited to, before and/or after school activities
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Threat of Physical Attack without Weapon (D2018): Students who threaten to engage in an act that causes harm and introduces fear in another school community member. Threats can be made verbally, in writing, or with gestures and may refer to a weapon that is not present. A threat may or may not be made in person.

<p>Grades K – 5: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Detention (1 day) <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Detention and/or Suspension (1 day) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to MTSS Problem Solving Team 	<p>Grades 6 – 12: Level III Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Police notification if required by law • Detention and/or Suspension (1 day) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to school counselor/social worker <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to MTSS Problem Solving Team
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Level IV

Assault Causing Physical Injury (C0720): Students who intentionally engage in an act that causes physical injury or serious physical injury to another person. This includes, but is not limited to bruises, lacerations, puncture and stab wounds, dislocations, sprains, and/or bone fracture. This offense is not used for students under the age of 12, unless the student causes a serious physical injury, which are injuries that create the risk of death or cause disfigurement, impairment of health, or loss or impairment of the function of any bodily organ or limb.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Detention (1 day) • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (1 day) 3rd - 5th grade only <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Police notification if required by law • Referral to Alternative Placement Team • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) 3rd - 5th grade only • Extended suspension of an additional 1-5 days w/district office approval • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level IV Offenses</p> <p><u>First or Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) • Referral to Alternative Placement Team • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Referral to Alternative Placement Team • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Police notification if required by law • Suspension (2-3 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (3-5 days) • Extended suspension of an additional 1-5 days w/district office approval • Expulsion
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Distribution of Alcohol or Drugs (C0721): Students who are found to be selling and/or distributing alcohol, drugs or other substances in the school environment. This includes, but is not limited to inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, look alike substances, nonprescription medication, and prescription medications.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Confiscate item • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (1-3 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Police notification if required by law • Extended suspension of an additional 1-5 days w/district office approval • Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) 3rd - 5th grade only • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Confiscate item • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (1-3 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Police notification if required by law • Suspension (1-5 days) • Extended suspension of an additional 1-5 days w/district office approval • Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Expulsion
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Possession or Use of Alcohol or Drugs (C0723): Students who use or are under the influence of alcohol, drugs or other substances, or who are found to be in possession of alcohol, drugs, other substances, or drug paraphernalia in the school environment. This includes, but is not limited to inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, and look alike substances.*Nonprescription & prescription medications removed from the definition.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project• Confiscation• Detention• Referral to school counselor and/or social worker <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Referral to MTSS Problem Solving Team (PST)• Referral to school counselor and/or social worker• Detention <p>Optional:</p> <ul style="list-style-type: none">• Suspension (1-2 days)• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u></p> <p>Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project• Confiscation• Detention and/or Suspension (1- 2 days)• Referral to school counselor and/or social worker <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u></p> <p>Required:</p> <ul style="list-style-type: none">• Parent/Guardian conference• Referral to MTSS Problem Solving Team (PST)• Referral to school counselor and/or social worker• Detention and/or Suspension (1- 2 days) <p>Optional:</p> <ul style="list-style-type: none">• Suspension (3-5 days)• Cancellation of privileges such as, but not limited to, before and/or after school activities
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Possession or Use of Dangerous Instrument (D2017): Students who possess and/or use any object, device, or instrument in the school environment classified as a dangerous instrument under 11 Del. C. § 222. This includes, but is not limited to pellet/air guns, tasers, mace or other dangerous instruments.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project• Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension (1 day) <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference required upon return to school• Detention and/or Suspension (1 day) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to MTSS Problem Solving Team• Suspension (1-2 days)	<p>Grades 6 – 12: Level IV Offenses</p> <p><u>First or Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference• SEL assignment/project• Detention and/or Suspension (1 day) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to school counselor/social worker <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference required upon return to school• Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to MTSS Problem Solving Team• Suspension (3-5 days)
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Possession or Use of Deadly Weapons (C0724): Students who possess and/or use any object, device, or instrument in the school environment classified as a deadly weapon under 11 Del. C. § 222. This includes, but is not limited to a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot and/or razor. This does NOT include toys, or ordinary objects including pocket knives with blades less than 3 inches. Firearms and bombs are captured under separate offenses.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project• Confiscate item• Detention (1 day)• Police notification if required by law• Referral to MTSS Problem Solving Team• Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Detention and/or Suspension (1 day) 3rd - 5th grade only <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference required upon return to school• Police notification if required by law• Suspension (1-2 days) 3rd - 5th grade only <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference• SEL assignment/project• Confiscate item• Police notification if required by law• Referral to MTSS Problem Solving Team• Referral to school counselor/social worker• Detention and/or Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none">• Suspension (1-2 days)• Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference required upon return to school• Police notification if required by law• Suspension (2-3 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Suspension (3-5 days)• Referral to Alternative Placement Team
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Possession or Use of Explosive Devices (C0725): Students who are found to be in possession and/or use of incendiary devices such as fireworks, firecrackers, pipe bombs and/or other explosives in the school environment.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project• Confiscate item if appropriate• Police notification if required by law• Mandatory DFS reporting if required by law• Referral to MTSS Problem Solving Team• Referral to school counselor/social worker• Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference required upon return to school• Police notification if required by law• Mandatory DFS reporting if required by law• Extended suspension of an additional 1-5 days w/district office approval• Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference• SEL assignment/project• Confiscate item if appropriate• Police notification if required by law• Mandatory DFS reporting if required by law• Referral to MTSS Problem Solving Team• Referral to school counselor/social worker• Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference required upon return to school• Police notification if required by law• Mandatory DFS reporting if required by law• Extended suspension of an additional 1-5 days w/district office approval• Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Expulsion
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Possession or Use of Firearms (C0626): Students who possess and/or use any firearm in the school environment: This includes, but is not limited to handguns, rifles, shotguns, starter guns, and/or other firearms identified in 11 Del. C. § 222, whether loaded or not. **BBs are included** per § 1457 and § 1457A. This does NOT include toys or pellet/air guns; these should be captured other Possession and/or Use of Dangerous Instruments.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference• SEL assignment/project• Confiscate item if appropriate• Police notification if required by law• Mandatory DFS reporting if required by law• Referral to MTSS Problem Solving Team• Referral to school counselor/social worker• Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Parent/Guardian conference required upon return to school• Police notification if required by law• Mandatory DFS reporting if required by law• Extended suspension of an additional 1-5 days w/district office approval• Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference• SEL assignment/project• Confiscate item if appropriate• Police notification if required by law• Mandatory DFS reporting if required by law• Referral to MTSS Problem Solving Team• Referral to school counselor/social worker• Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none">• Staff/student restorative conversation• Restorative conference, if appropriate• Parent/Guardian conference required upon return to school• Police notification if required by law• Mandatory DFS reporting if required by law• Extended suspension of an additional 1-5 days w/district office approval• Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none">• Cancellation of privileges such as, but not limited to, before and/or after school activities• Expulsion
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Rape (C0727): Is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent, including when a person is unable to give consent. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of rape.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Confiscate item if appropriate • Police notification if required by law • Mandatory DFS reporting if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Police notification if required by law • Mandatory DFS reporting if required by law • Extended suspension of an additional 1-5 days w/district office approval • Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Confiscate item if appropriate • Police notification if required by law • Mandatory DFS reporting if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Police notification if required by law • Mandatory DFS reporting if required by law • Extended suspension of an additional 1-5 days w/district office approval • Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Expulsion
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Robbery (C0728): Students who take or attempt to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. A key difference between robbery and theft is that robbery involves a threat or assault.

<p>Grades K – 5: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Confiscate item • Detention (1 day) • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Suspension (1 day) 3rd - 5th grade only <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Police notification if required by law • Referral to Alternative Placement Team • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) 3rd - 5th grade only • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p>Grades 6 – 12: Level IV Offense</p> <p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Confiscate item • Police notification if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (1-2 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (2-3 days) • Referral to Alternative Placement Team • Cancellation of privileges such as, but not limited to, before and/or after school activities <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Referral to Alternative Placement Team • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Police notification if required by law • Suspension (2-3 days) <p>Optional:</p> <ul style="list-style-type: none"> • Suspension (3-5 days) • Cancellation of privileges such as, but not limited to, before and/or after school activities
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Sexual Assault (C0729): Is any sexual act directed against another person without consent, including when a person is unable to give consent. It includes threatened rape, fondling, indecent liberties, or child molestation. Rape is not included. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s).

Grades K – 5: Level IV Offense	Grades 6 – 12: Level IV Offense
<p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference • SEL assignment/project • Confiscate item if appropriate • Police notification if required by law • Mandatory DFS reporting if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Parent/Guardian conference required upon return to school • Police notification if required by law • Mandatory DFS reporting if required by law • Extended suspension of an additional 1-5 days w/district office approval • Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities 	<p><u>First Offense</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference • SEL assignment/project • Confiscate item if appropriate • Police notification if required by law • Mandatory DFS reporting if required by law • Referral to MTSS Problem Solving Team • Referral to school counselor/social worker • Suspension (3-5 days) <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Referral to Alternative Placement Team <p><u>Subsequent Offenses</u> Required:</p> <ul style="list-style-type: none"> • Staff/student restorative conversation • Restorative conference, if appropriate • Parent/Guardian conference required upon return to school • Police notification if required by law • Mandatory DFS reporting if required by law • Extended suspension of an additional 1-5 days w/district office approval • Referral to Alternative Placement Team <p>Optional:</p> <ul style="list-style-type: none"> • Cancellation of privileges such as, but not limited to, before and/or after school activities • Expulsion

Additional Codes

Codes will be applied in consultation with appropriate district personnel.

Attorney General's Report (S0161): Students in regular school programs who engage in alleged out-of-school criminal conduct, regardless of jurisdiction, which demonstrates the propensity to show disregard for the health, safety, and welfare of others, including, serious acts of violence, weapons offenses, and drug offenses. The school must also receive a report by the Department of Justice.

Other School Crime (C0722): Any significant incident resulting in disciplinary action not classified previously but required to be reported under the School Crimes Reporting Law (14 Del. C. § 4112). This may include arson, manslaughter, etc.

Physical Restraint - No Code Violation (D2019): A student was physically restrained by an employee or contractor of a public school district or charter school, private program, or alternative program, but there was no violation of the student code of conduct by the student.

Teen Dating Violence: No Code Violation, Check Box Only. Means 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.

GLOSSARY

The glossary is developed in alignment with state requirements for definitions of terms, DDOE Regulation 614. For a complete listing of uniform definitions visit the State of Delaware Administrative Code, Title 14, Sections 600 and 614.

“Academic dishonesty” means fraudulent deception in preparing or presenting course work or class assignments as a student’s own work when it is not. This includes: (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, (4) presenting quotations, words, or ideas without proper references or credit (plagiarism), (5) unauthorized use of AI for completion of student assignments, and (6) collusion, working together to provide or receive answers on an independent assignment or assessment.

“Assault causing physical injury” means students who intentionally engage in an act that causes physical injury or serious physical injury to another person. This includes bruises, lacerations, puncture and stab wounds, dislocations, sprains, or bone fracture. This offense is not used for students under the age of 12, unless the student causes a serious physical injury, which are injuries that create the risk of death or cause disfigurement, impairment of health, or loss or impairment of the function of any bodily organ or limb.

“Attorney General’s report” means a report received by the Delaware Department of Justice regarding students in regular school programs who engage in alleged out-of-school criminal conduct, regardless of jurisdiction, which demonstrates the propensity to show disregard for the health, safety, and welfare of others, including, serious acts of violence, weapons offenses, and drug offenses.

“Bullying” means any intentional written, electronic, verbal, or physical act or actions against another student, school volunteer, or school employee that a reasonable person under the circumstances should know will have the effect of: (1) placing a student, school volunteer, or school employee in reasonable fear of substantial harm to a student’s, school volunteer’s, or school employee’s emotional or physical well-being or substantial damage to a student’s, school volunteer’s, or school employee’s 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.

“Careless and reckless behavior” means unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.

“Consensual sexual misconduct” means consensual sexual acts between students within the school environment. This may require a report to the Delaware Department of Services for Children, Youth and Their Families Division of Family Services.

“Defiance of school authority” means a verbal or non-verbal refusal to comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, or refusal to comply with disciplinary action that causes either a substantial disruption or material interference with school activities. This does not include a student who walks away to deescalate or manage the student’s emotions.

“Destruction of property” means students who damage or deface school property or the personal property of another person. This includes tampering with security, medical, or fire protective equipment.

“Disruptive behavior” means students who intentionally disrupt the school environment by not following expectations or interrupt learning or school activities despite non-verbal and verbal redirection. This can include excessive talking that limits others’ ability to learn and behaviors by the student or with other students that are distracting to other persons.

“Distribution of alcohol or drugs” means students who are found to be selling or distributing alcohol, drugs, or other substances in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, look alike substances, nonprescription medication, and prescription medications.

“Dress code violation” means failure to comply with the school-level dress code. Dressing in a manner that is unsafe or disrupts the learning environment. This includes clothing that promotes drugs, alcohol, or profanity.

“Exposure” means students who expose the student’s genitals, breasts, or buttocks to another person.

“Falsely signing and impersonating” means falsely or fraudulently signing or altering a document or electronic record such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others inaccurately via electronic, verbal, or written means.

“Fighting” means students who willingly engage in a one-on-one physical altercation. This is a physical altercation in which none of the participants are identified as victims.

“Harassment” means students who engage in unwelcome verbal, written, electronic, graphic, or physical conduct relating to another person’s actual or perceived sex, gender, age, race, color, national origin, sexual orientation, gender identity expression, pregnancy or related conditions, religion, disability, English language proficiency, socioeconomic status, or physical appearance. The behavior must be considered severe, persistent, or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

“Hate speech and conduct” means verbal or electronic communication or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear, or causing emotional distress.

“Inappropriate language and gestures” means cursing, swearing, or using written or spoken language, gestures, electronic images, photos, or actions, directed towards another person, that are considered sexually explicit, offensive, obscene, or vulgar.

“Inappropriate touch” means students who intentionally engage in physical aggression towards a school employee, volunteer, or another student either with the student’s own body or with an object and it does not result in physical injury. This includes pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on a school employee or volunteer. The behavior does not have to include intent to harm. This offense should be used for students under the age of 12 who caused a physical injury to a school employee, volunteer, or another student that is not classified as serious.

“Instigation” means students incite aggressive or physical conflict between 2 or

more students that resulted in a confrontation without directly participating in the confrontation.

“Leaving school grounds without permission” means leaving the school building or the school grounds during school hours without required staff permission.

“Loitering” means student’s unauthorized presence in any school area for an extended period of time or student’s failure to leave the school grounds at the time designated.

“Misuse of technology” means any use of school technology for unauthorized purposes such as, copying software, inappropriate internet or email usage, unauthorized use of school issued electronic devices, tampering with databases, passwords or configurations, or deletion of files. This also includes the use of school technology equipment in: soliciting, using, or posting on social media; receiving or sending inappropriate images or materials; accessing unauthorized email; the unauthorized downloading or installing of files; or intentionally damaging technology equipment in the school environment.

“Mutual group fight” means students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.

“Other school crime” means any significant incident resulting in disciplinary action not classified previously but required to be reported under the School Crimes Reporting Law (14 Del.C. §4112). This may include arson, manslaughter, or violent felonies as defined by 11 Del.C. §4201.

“Physical restraint - no code violation” means a student was physically restrained by an employee or contractor of a public school district or charter school, private program, or alternative program, but there was no violation of the student code of conduct by the student.

“Possession or production of pornography” means students who possess, share, or produce any known pornographic or obscene material in the school environment. This would include a student who distributes photos or videos of another student who did not consent to getting the student’s photos taken or shared, or cannot consent to the photos due to the student’s age (under age 12).

“Possession or use of alcohol or drugs” means students who use or are under the influence of alcohol, drugs, or other substances, or who are found to be in possession of alcohol, drugs, other substances, or drug paraphernalia in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, and look alike substances.

“Possession or use of dangerous instrument” means students who possess or use any object, device, or instrument in the school environment classified as a dangerous instrument under 11 Del.C. §222. This includes pellet guns, air guns, tasers, mace, or other dangerous instruments.

“Possession or use of deadly weapons” means students who possess or use any object, device, or instrument in the school environment classified as a deadly weapon under 11 Del.C. § 222. This includes a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, or razor. This does not include toys, or ordinary objects including pocket knives with blades less than 3 inches. Firearms and bombs are captured under separate offenses.

“Possession or use of explosive devices” means students who are found to be in possession or use incendiary devices such as fireworks, firecrackers, pipe bombs, or

other explosives in the school environment.

“Possession or use of firearms” means students who possess or use any firearm in the school environment. This includes handguns, rifles, shotguns, starter guns, or other firearms identified in 11 Del.C. §222, whether loaded or not. BB guns are included per 11 Del.C. §1457 and §1457A. This does not include toys, pellet, or air guns; these should be captured under possession or use of dangerous instruments.

“Possession or use of nonprescription or prescription medications” means students who use or are under the influence of nonprescription or prescription medications, or who are found to be in possession of nonprescription or prescription medications in the school environment without proper documentation.

“Possession or use of tobacco or electronic smoking devices” means students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes products containing tobacco, electronic cigarettes, and any vape device.

“Rape” means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent, including when a person is unable to give consent. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of rape.

“Robbery” means students who take or attempt to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence, or by putting the victim in fear. A key difference between robbery and theft is that robbery involves a threat or assault.

“Safety violation” means students who engage in any behavior that is not appropriate for school and has the potential to put the students or others in danger.

“Sexual assault” means any sexual act directed against another person without consent, including when a person is unable to give consent. It includes threatened rape, fondling, indecent liberties, or child molestation. Rape is not included. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender.

“Skipping and leaving class” means absence from school or class without authorization or permission or leaving the assigned classroom without permission.

“Tardiness to school and class” means unexcused lateness to school or class without authorization or permission.

“Theft (\$1500 or more)” means students who take school property or the personal property of another person.

“Theft (less than \$1500)” means students who take, obtain, or intentionally have possession of school property or the personal property of another person.

“Threat of physical attack with weapon” means students who threaten to engage in an act that causes harm and introduces fear in another person, and the threat is made while displaying, brandishing, or discharging a weapon but with no actual physical contact of any person. A threat may or may not be made in person. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.

“Threat of physical attack without weapon” means students who threaten to engage

in an act that causes harm and introduces fear in another school community member. Threats can be made verbally, in writing, or with gestures and may refer to a weapon that is not present. A threat may or may not be made in person.

“Threatening mass violence” means students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm in the school environment. This includes bomb threats and other threats that are likely to cause an evacuation of a building.

“Unauthorized use of an electronic device” means students who engage in non-educational activities in the school environment, including capturing, distributing, displaying, sharing, or posting of inappropriate images, videos, movies, or music from personal devices. Engaging in social media, texting, playing games, or streaming that disrupts the learning environment.

“Unsafe item” means any item, device, or substance that may be deemed disruptive or is used for a purpose in which it was not intended.

APPENDIX

APPENDIX I

ACCEPTABLE USE BY STUDENTS OF DISTRICT TECHNOLOGY & USE OF INTERNET EDUCATION PROGRAMS

- A. **PURPOSE:** Technology is used to support education in the Brandywine School District. The purpose of this policy is to provide a set of guidelines to be followed for student use of all computer(s), network(s), database(s), and information technology, including e-mail and the Internet, in the Brandywine School District.
- B. **ISSUE:** Users of District technology are responsible for their actions. Students, parents and school staff should make every effort and demonstrate responsible use of technology consistent with the goals, standards, and policies of the District.
- C. **POLICY:** Students and parents must read and students must sign the Code of Student Conduct card stating that as a student user of technology in the Brandywine School District, the student will abide by policy 5.2. Since the District provides a chromebook to every student, students must use the district-issued device to remotely access digital learning platforms for the following reasons:
- Content filtering software which controls the flow of content and
 - Receives relevant software updates for district-owned device

These technical requirements ensure that students may safely access educational content while completing their school work off-campus. Students who receive a district-owned device for off-campus learning must use that device in order to safely access the full range of the district's learning platform.

ACCEPTABLE USE BY STUDENTS:

- Use of technology must be consistent with the academic goals of the school, curriculum standard, and Brandywine School District policies.
- The Brandywine School District employs blocking and filtering technology to restrict access to inappropriate websites and other materials harmful to minors to ensure the safety and security of all students and comply with state law and/or regulation.

UNACCEPTABLE USES BY STUDENTS

- Damage to and/or or willful neglect of computers, software, networks, or other technology equipment is prohibited. Any person who has District hardware or software at home is responsible for maintaining such technology while in said person's control (or possession).
- Unauthorized access to network settings, usernames and passwords, and other people's work is prohibited.
- Use of technology to cause harm or offend others is prohibited.
- Use of technology to access or distribute obscene or pornographic material is prohibited.
- Use of technology, including email, for profit, illegal, or unauthorized commercial purposes is prohibited.

- Use of technology for religious purposes is prohibited; however, technology may be used to access religious materials as required to complete course or curricular requirements.
- Use of technology for non-educational or non-instructional purpose is prohibited.
- Use of web-based e-mail accounts, other than those approved by the Brandywine School District, is prohibited.
- Violation of copyright laws is prohibited.
- Installation or use of copyrighted or unlicensed software or files from any source is prohibited unless authorized by the District.
- Computer and network storage areas are treated similar to school lockers. Files stored on District computers and District provided external memory devices are not private. District and building administrators may review files, folders, external memory devices, etc.

EDUCATION PROGRAMS: The Department of Curriculum & Instruction shall establish an educational program for each grade cluster on appropriate behaviors and communications by minors while using the internet or while online. Such educational programs shall include, but not be limited to, education on social networking, communications in chat rooms, email content, and cyber-bullying consistent with the requirements of the Protection of Children in the 21st Century Act.

REMEDIAL ACTION: The use of technology in the Brandywine School District is a privilege - not a right. Unacceptable use or vandalism by students will result in disciplinary action consistent with the Student Code of Conduct and limitation/cancellation of user privileges appropriate to the offense. If damage occurs due to willful misconduct, the user may be permanently restricted from the use of technology and charged for the cost of repair or replacement for such damage. Inappropriate online behaviors and communications may also result in disciplinary action consistent with the Elementary or Secondary Code of Student Conduct.

FAILURE TO SIGN: Failure to sign the Student Code of Conduct Card shall result in the suspension of the privilege to use technology in the Brandywine School District.

APPENDIX II

BULLY PREVENTION & CYBERBULLYING

- A. **PURPOSE:** The Brandywine School District recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The Brandywine School District strives to provide safe learning environments for all students and all employees.
- B. **ISSUE:** Prohibition of bullying which includes cyberbullying to further these goals and as required by 14 Del. C. 4112D, the Brandywine School District hereby prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grade kindergarten through grade twelve. In

addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated in the same manner as incidents of bullying. Brandywine School District further prohibits reprisal, retaliation, or false accusation against a target, witness or one with reliable information about an act of bullying.

- “*School function*” includes any field trip or any officially sponsored public or charter school event.
- “*School property*” means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented, or subcontracted by any public school or charter school.

C. **POLICY:**

1. **Definition of Bullying & Cyberbullying**

- A. As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, school volunteer, or school employee that a reasonable person, under the circumstances should know will have the effect of:
- 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
 - 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
 - interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or
 - 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.
- B. As used in this policy, cyberbullying means the use of uninvited and unwelcomed electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which:
- interferes with a student’s physical well-being; or
 - is threatening or intimidating; or
 - 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.

- Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
- The place of origin of speech otherwise constituting cyberbullying is not

material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear, or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect.

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/ throwing objects at someone, gesturing, etc.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening

Relational Bullying: Isolation of an individual from his or her peer group, spreading rumors.

Cyberbullying: Bullying by using information and communication technologies. Cyberbullying may include but is not limited to:

- denigration: spreading information or pictures to embarrass,
- flaming: heated unequal argument online that includes making rude, insulting, or vulgar remarks,
- exclusion: isolating an individual from his or her peer group,
- impersonation: Using someone else's screen name and pretending to be owner,
- outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted contact of a sexual nature, unwanted verbal comments about body parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other district school policies or building, classroom, or program rules.

School-wide Bully Prevention Program: The Brandywine School District is committed to support each school in their adoption of a school-wide bully prevention program. Each school is directed to develop or adopt a school-wide bully prevention program that is research-based.

- A. Each school will strive to meet these goals:
 1. Reduce existing bullying problems among students
 2. Prevent development of new bullying problems

3. Achieve better peer relations and staff-student connections at school
- B. In order to be a school-wide program, the program must contain:
 1. School-level components
 - a. All school staff will strive to:
 - treat others with warmth, positive interest and involvement
 - set firm limits for unacceptable behavior
 - apply nonphysical, non-hostile negative consequences when rules are broken.
 - act as authorities and positive role models
 - solve bullying problems in a consistent manner across all grade levels and all school locations.
 - b. A Coordinating Committee will be created, as described in Section IV of this policy.
 - c. The school's supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this policy.
 - d. The following principles will apply to everyone on school property or at a school function:
 - I will not bully others
 - I will try to help anyone that I suspect is being bullied
 - I will try to include students who are left out.
 - If someone is being bullied, I will tell an adult
 - e. School-wide programs may also include a school kick-off event, committee and staff trainings, school-wide questionnaires, staff discussion group meetings, and programs to involve parents, as determined by the Coordinating Committee.
 2. Classroom level components
 - a. Post and enforce principles against bullying
 - b. Regular, ongoing class meetings, discussions, or role playing activities
 - c. Involve parents in bullying prevention
 - d. Find creative ways to incorporate issues involving bullying into the regular curriculum.
 3. Individual Level Components
 - a. Supervise students' activities
 - b. Ensure that all staff intervene appropriately on the spot when suspected bullying occurs
 - c. Discuss bullying behavior with students who bully and (separately) with targets of bullying, and with their parents.
 - e. Develop Behavioral Intervention Plans for involved students, with a graduated response.
 - f. Address bystander involvement.
 4. Community Level Components
 - a. Develop partnerships with community members to support your school's program
 - b. Help spread anti-bullying message in the community
 - c. Involve community members in the Bully Prevention Coordinating Committee.
- C. Resources and Curricula: The Brandywine School District encourages staff to find or create appropriate bullying prevention resources that can be used within the overall structure set forth above without compromising the fidelity of the school-wide program. Classroom curricula may be used as one part of the implementation of the school-wide program, but must not be the sole component of the program.
- D. When setting their school wide bully prevention program, each school should

develop long-term fixes that are research based and grounded in best practices.

Coordinating Committee: Each school shall establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval, and monitoring of the program. A majority of the members of the site-based committee shall be members of the school professional staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 6 through 12), parents, and staff from the before- or after-school program(s). These representatives shall be chosen by members of each respective group except that representatives of the non-employee groups shall be appointed by the school principal. The committee shall operate on a 1-person, 1-vote principle. In the event a site-based school discipline committee has been established pursuant to § 1605(7) a and b, of Title 14 of the Delaware Code, that committee shall vote whether or not to accept the aforementioned responsibilities.

- A. When setting up the committee the principal may wish to consider including other persons in addition to those required, such as a school counselor, school psychologist or other school-based mental health professional, a school resource officer, a nurse, a librarian, or a representative from the medical, business, or faith-based community who might have a stake in the results of the program. The principal should also decide on an appropriate reward system for the committee, within available resources.
- B. The Committee shall:
 1. hold regular meetings
 2. select a coordinator of the program
 3. consider, decide upon, and coordinate any staff training sessions (beyond the mandated gang and bully prevention training required in 14 Del. C. 4123A), as needed.
 4. create and maintain a training log (either paper or electronic) to keep a record of the school staff which have been trained, and what training they have received. Decide upon the need for and provide short, concise training updates in writing or at staff meetings.
 5. consider, decide upon, and oversee formal or informal evaluation techniques and materials (such as questionnaires), as needed
 6. consider, decide upon, and order materials, as needed
 7. consider, decide upon, and lead staff discussion groups as needed
 8. consider and decide upon, additional guidelines for consistent positive consequences for those who follow the rules and consistent negative consequences for students who break them.
 9. review and refine the school supervisory system.
 10. plan a school kick-off event
 11. establish subcommittees, as needed
 12. decide upon and implement methods of notification to students, parents and the community concerning the school-wide program.

Reporting Requirements: Bullying is unacceptable, and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously.

- A. Any school employee that has reliable information that would lead a reasonable

person to suspect that a person is a target of bullying shall immediately report it to the administration.

1. Initial Concerns

- a. Staff members are encouraged to watch for early signs of bullying and stop them before they worsen.
- b. Even though there has been no report of bullying to a staff member, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom inappropriate comments are made by other students, or who show signs of peer victimization.
- c. To confirm their concerns the staff member may choose to take the following steps:
 - intensify observations of student in question
 - confer with colleagues about that student
 - consult the school's bullying database.
 - take an informal survey of students about class climate
 - engage in short personal interviews with some students
 - conduct a brief sociometric survey
 - contact the parent to see how student likes school
 - speak privately with the victim

2. Written Report

- a. If measures confirm the staff member's concerns that a student is being bullied, if a staff member receives a report of a bullying matter, or if a staff member observes a bullying incident, they must inform the principal or designated person immediately and in writing within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:
 - persons involved, designating bully, target, and bystanders' roles.
 - time and place of the conduct and alleged number of incidents.
 - potential student or staff witnesses.
 - any actions taken.
- b. Short, easy to use forms can be obtained from the school administration or district school office.

Investigative Procedures

- A. Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
 1. All complaints must be appropriately investigated and handled consistent with due process requirements.
 2. Each principal may designate a person or persons to be responsible for responding to bullying complaints.
 3. Neither complainant nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. However, efforts should be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person will make efforts to document the bullying from several sources. This prevents the bully, when confronted, from assuming that the

victim is the complainant. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities.

4. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, the designated person will review the complaint in conjunction with any other related complaints. Reasonable steps will then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.
 5. Once the principal or designated person has confirmed that a person has been the victim of bullying, the principal or designated person will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The principal or designated person will avoid forewarning the student suspects and will interview suspects separately and in rapid succession.
 6. After identifying those who committed the act or acts of bullying, the principal or designated person will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The bully will be informed that graduating consequences will occur if the bullying continues.
 7. The principal or designated person will keep a written record of the bullying incident and any disciplinary actions taken. The principal or designated person will keep any written statements of those committing the bullying, victims, and witnesses. Discussions with all parties should be documented as soon as possible after the events. The school will not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.
 8. A follow-up will be completed two weeks later to determine whether the bullying has continued and whether additional consequences are needed. An additional follow-up will occur in two months, regardless of whether new incidents have been reported.
 9. Each confirmed incident must be recorded in the School Register of Bullying Incidents. All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or his designee within five (5) working days pursuant to Department of Education regulations.
- B. The school administration should be aware that some acts of bullying may also be crimes which under the School Crime Reporting Law (14 Del. C. 4112) are required to be reported to the police and /or the Department of Education.

Non-Classroom Supervision: To the extent that funding is available, each school must develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

- A. The Coordinating Committee will review and refine the supervisory system specifically to make bullying less likely to happen using the following techniques:
 - determine the “hot spots” for bullying in the building, and why those hot spots exist.
 - consider ways of either keeping certain groups apart during transition, or building positive collaborations between older and younger students.
 - consider adult density in hot spots, if necessary.
 - consider the attitude and behaviors of supervising adults in hot spots, and determine a way to increase their competence in recognizing and intervening in bullying situations.
 - determine and disseminate a consistent graduated method by which all staff

will recognize and respond to bullying.

- develop and provide a method for communication of staff so that staff who observe bullying can intervene and notify other staff involved in supervising the same students during the day.
- develop a consistent and user-friendly school-wide method of logging bullying incidents or observations about students at risk for bullying or being bullied.
- develop or review the policy for hallway supervision before and after school and during the time when students are moving between classes.

Consequences for Bullying: Consequences for bullying should be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences should be disagreeable or uncomfortable but should not involve revenge or hostile punishment.

A. Consequences should take into account:

- nature and severity of the behaviors
- degrees of harm
- student's age, size and personality (including development and maturity levels of the parties involved)
- surrounding circumstances and context in which the incidents occurred
- prior disciplinary history and incidences of past or continuing patterns of behavior
- relationships between the parties involved (including any imbalance of power between the perpetrator and victim)
- ease of use for staff (within available resources and time constraints)

B. The appropriate range of consequences for bullying is as follows:

1. Removal of positive reinforcers:

- time-out
- loss of a privilege

2. Use of negative or unpleasant stimuli:

- rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
- notice to parent
- serious talk with school staff member.
- serious talk with school staff member with parents present.
- supervised break times.
- behavioral report cards sent home.
- creation of a behavior contract.
- in-school suspension.
- detention.
- a period of inclusion in the Learning Support Unit.
- reassignment of seats in class, lunch or on bus.
- forbidden to enter certain areas of school.
- reassignment of classes.
- a referral to an external agency
- reassignment to another school, or another mode of transportation.
- expulsion.
- report to Law Enforcement officials

3. In addition, but never as replacement for disciplinary action, formative activities should be given, which may include:

- reparation to the victim in the form of payment for or repair of damage to possessions will be paid by the bully.

- cooperation with assessment of problems.
 - education about what bullying is and why it is not acceptable.
 - documentation on books or films about bullying.
 - completion of bully related workbooks.
 - completion of Letter of acknowledgement of actions to victim (only after reviewed by staff and never in cases of sexual bullying).
 - completion of psychological assessment or evaluation.
 - completion of counseling (In house or referral to an outside agency, individual or family).
 - cooperation with a behavioral management program developed in consultation with a mental health professional.
 - submission to a psychological, psychiatric or neuropsychiatric evaluation before the bully can return to school.
 - completion of community service.
- C. The Brandywine School District believes that positive consequences should be given when students are obeying the rules about bullying. These consequences may include:
1. enthusiastic, concrete, behavior-specific praise
 2. creative consequences that are truly positive for your students considering their age, sex, and maturity level.
- D. The Brandywine School District believes that victims should be given support. If bullying is suspected, staff members will make an effort to:
1. find a private opportunity for discussion with the victim.
 2. discuss with the victim what support they need.
 3. ensure their safety.
 4. record the event and follow through with actions.
 5. provide the victim with opportunities to gain peer support.
 6. refer the victim to available help in-school.
 7. provide the victim with an opportunity to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate either in writing or face to-face if the victim chooses to do so.
 8. make referrals to external agencies if necessary.
 9. provide the victim with information for mental health or medical treatment needs.

Training

- A. The Brandywine School District will provide a combined training each year totaling at least one (1) hour in the identification and reporting of criminal youth gang activity pursuant to § 617, Title 11 of the Delaware Code and bullying prevention pursuant to § 4112D, Title 14 of the Delaware Code. The training materials shall be prepared by the Department of Justice and the Department of Education in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. § 1305(e).
- B. All school employees must either attend the provided training session live or watch the official training materials provided by the district/charter school in lieu of attendance, with written proof in the form of signing in and out of the live session, or signing the film in and out, and providing adequate written answers to questions about the training materials.

Reporting Procedures

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian to provide information on bullying activity will be as follows:
1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.
 2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will make an effort to provide the child with a practical, safe, private and age-appropriate method of doing so.
 3. A letter box will be placed in a place or places selected by the committee, so that students who feel unable to talk to any staff can have a point of contact. Information found in the box must be treated with care and a staff-member or members will be designated to be responsible for this information. Blank "Bullying– request for support forms" will be available to all students, but are not required for a report.
 4. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
 - conduct involved
 - persons involved, designated bully, target, and bystanders' roles
 - time and place of the conduct alleged, number of incidents
 - names of potential student or staff witnesses.
 - any actions taken in response
 5. Short, easy to use complaint forms can be obtained from the school administration or district school office.
 6. An electronic system will be established whereby a person can email anonymous complaints of bullying that only designated persons will have access to.
 7. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.
 8. Each principal will designate a person or persons responsible for responding to bullying complaints.
 9. Every identified complainant who files a written complaint with a staff member will receive a written explanation of results to the extent that it is legally allowed and be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms will be made available.
 10. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents, which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

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

Notification of Parent(s), Guardian or Relative Caregiver: A parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

Retaliation: *Retaliation following a report of bullying is prohibited.* The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the school administration after consideration of the nature, severity, and circumstances of the act.

Procedure to Communicate with Medical and Mental Health Professionals.

- A. The following procedures for communication between school staff members and medical professionals who are involved in treating students for bullying issues must be followed:
1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician, or mental health professional's office before communication may take place according to HIPAA and FERPA guidelines.
 2. If a parent refuses to sign a release form at school, the school will review this policy with them, explaining the reasons the release would be advantageous to their child.
 3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
 - require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate
 - require that student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate
 4. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.
- B. Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, or the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hotline (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance for recommended providers in the area.

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

Accountability: Each school shall notify the District School Board in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by January 1, of each school year. Each school shall verify for the District/Charter School Board the method and date that the policy has been distributed to all students, parents, faculty and staff.

Awards: In any year when the Delaware Department of Education provides an awards system for exemplary bullying prevention programs, the District School shall submit a nomination of one exemplary school and the reasons why it believes that school should

receive an award for its Bully Prevention Program, with supporting documentation.

Immunity: A school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person or persons using the procedures specified in the school district or school's bullying prevention policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful, or intentional conduct.

Other Defenses:

- A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district or school initiated under this policy provided there is sufficient school nexus.
- B. This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district or charter school policy.

Relationship to School Crime Reporting Law: An incident may meet the definition of bullying and also the definition of a particular crime under State or federal law. Nothing in this policy shall prevent school officials from fulfilling all of the reporting requirements of § 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law

School Ombudsperson Information: The telephone number of the Department of Justice School Ombudsperson shall be provided in writing to parents, students, and faculty, and staff and shall be on the website of the school district and each school. The contact information shall also be prominently displayed in each school.

Informing Students of Electronic Mediums: Upon implementation of this policy, and again at the beginning of each academic year, each school district and school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

Rules and Regulations: Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement Title 14 Section 4112D of the Delaware Code.

APPENDIX III

RELEASING STUDENTS TO PERSONS OTHER THAN PARENTS OR LEGAL GUARDIANS/CUSTODIANS

- A. **PURPOSE:** To establish uniform criteria for releasing students in the Brandywine School District to persons other than their parents or legal guardians/custodians at times other than normal after school dismissal.
- B. **ISSUE:** Often students need to be released from school at times other than normal release time. The Delaware Department of Education requires the Boards of all public school districts to adopt a policy on releasing students to persons other than their parents or legal guardian/ custodian at these times.
- C. **POLICY:**
 - 1. A student may be released to a person other than the student's parent or legal guardian/custodian under the following conditions:
 - a. The student's parent or legal guardian/custodian has made a request, in writing or verbally, to release his/her child(ren) to a specifically named adult prior to the school releasing the child(ren) into the adult's custody. The adult must present picture identification at the time she/he appears to pick up the child(ren); or
 - b. The child is being transported by any officer or agent of a city, county, or state agency for the purpose of law enforcement, or if a child is being transported to a hospital or medical facility for treatment by certified or other qualified medical emergency transportation personnel. All reasonable attempts shall be made to notify parents or legal guardians/custodians immediately upon the event of a student being transported to a hospital or medical facility for treatment.
 - 2. Written permission can be assumed if a person, other than the parent of legal guardian/custodian of the child(ren), has been named on the emergency contact card/sheet maintained by the school.
 - 3. A student may not be released to a person under the age of 18 unless that person is the parent or legal guardian/custodian of the student or the school has received written authorization to release the student to a family member under the age of 18 prior to such release.
 - 4. This policy only applies to releasing students from school at time other than the end of the school day, the end of any school sponsored event or activity, or at the end of after school childcare operated by the school.

At no time shall a student be left on school district property unsupervised at the beginning and the end of the school day or school-sponsored event.

APPENDIX IV

A LAWFUL AUTHORITY OF TEACHERS OVER PUPILS

Authority of teachers and administrators to control the disruptive behavior of students.

- A. As used in this chapter:
 - 1. "Department" means the Department of Education.
 - 2. "Disruptive behavior" means conduct that is so unruly, disruptive, or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or a school-sponsored activity.
 - 2. "Racial subgroup" means the racial and ethnic subgroups of students as defined under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, which includes African American or Black, American Indian or Alaska Native, Asian American, Native Hawaiian or other Pacific Islander, Hispanic or Latino, White or Caucasian, and Multi-Racial.
 - 4. "School" means a traditional public school, vocational technical school, or charter school.
 - 5. "Subgroup" means as a subgroup is defined under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended, which includes racial subgroups, economically disadvantaged students, children with disabilities, and English learners.
- B. While a student is entrusted in their care or supervision, public school teachers, and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian, or other person similarly responsible for the care and supervision of the student except as provided in §§ 702 and 4112F of this title. The authority includes removing a student from a classroom or school-sponsored activity.
- C. When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student's disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher's decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher's decision to remove the student was reasonable and necessary under the circumstances.
- D. When a student is removed from a classroom or school-sponsored activity or is disciplined or punished pursuant to this section, the principal or the principal's designee shall afford the student appropriate due process as required by the federal and State constitutions.
- E. When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.
- F. When a teacher or school administrator removes a student from a classroom or school-sponsored activity or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.
- G. Each local board of education shall establish, adopt, publish, and distribute

to students in the district and their parents or guardians policy or standards that are consistent with the regulations developed under § 122(b)(26) of this title and include all of the following:

1. Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher's and administrator's ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity.
 2. Provide an explanation or examples of "disruptive behavior" set forth in paragraph (a)(2) of this section.
- H. A district shall not establish or adopt a policy or standards that prohibit the removal of a student from a classroom or school-sponsored activity.
- I. No teacher who purports to have acted pursuant to the teacher's rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher's conduct shocks the conscience.

14 Del. C. 1953, § 701; 57 Del. Laws, c. 383; 60 Del. Laws, c. 662, § 1; 72 Del. Laws, c. 236, § 1; 73 Del. Laws, c. 75, § 1; 74 Del. Laws, c. 17, §§ 1-3; 75 Del. Laws, c. 158, § 1; 79 Del. Laws, c. 54, § 1; 81 Del. Laws, c. 324, § 1;

Corporal punishment.

- A. "Corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling and slapping, when used as a means of discipline.
- B. No public school teacher, administrator, official employee or agent of the School Board may subject a student enrolled in the school district to corporal punishment.
- C. Subsection (b) of this section does not prohibit a public school teacher, administrator, official employee or agent of a school board from:
1. Using reasonable and necessary force to quell a disturbance, including but not limited to a physical altercation, or prevent an act that threatens imminent bodily harm to any person;
 2. Using reasonable and necessary force to obtain possession of a weapon, or other dangerous object within a student's control;
 3. Using reasonable and necessary force for the purpose of self-defense or the defense of others under §§ 464 and 465 of Title 11;
 4. Using reasonable and necessary force for the protection of property under § 466 of Title 11;
 5. Using reasonable and necessary force to prevent a student from imminently inflicting bodily harm on that student's own self;
 6. Using reasonable and necessary force to protect the bodily safety of others; or
 7. Using incidental or minor physical contact necessary to maintain order and control.
- D. In determining whether or not a person was acting within the exceptions in subsection (c) of this section, deference shall be given to reasonable, good faith judgments made by the teacher, administrator, official employee or agent.
- E. Nothing in this section shall prohibit, permit or otherwise affect any action taken by the teacher, administrator, official employee or agent of the School Board with regard to a person who is not a student enrolled in the school district.
- F. For purposes of this section, the term "reasonable and necessary" shall be interpreted in conformity with applicable limitations established by § 4112F of this title.

Student Discipline Report; School Discipline Improvement Plan.

- A. The Department shall compile and release an annual report on student discipline in all schools as follows:
 - 1. The analysis must be based on data, as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, collected over the 3 most recent consecutive school years.
 - 2. The report must be posted on the Department's website no later than October 30.
 - 3. The report shall include both statewide totals and individual school data, for each of the school years in the report, on the issuance of out-of-school suspensions, expulsions, alternative school assignments, and in-school suspensions, disaggregated by race, ethnicity, gender, grade level, limited English proficiency, incident type, discipline duration, and if the student is identified as having a disability.
 - 4. The report must identify, for each school year in the report, schools that meet any of the following thresholds:
 - a. Calculations under this subsection should exclude subgroups that contain fewer than 15 students.
 - b. A school with an out-of-school suspension rate for all students or any 1 subgroup that exceeds any of the following:
 - 1. A rate of 20 suspensions per 100 students for the 2018 through 2019 school year.
 - 2. A rate of 15 suspensions per 100 students for the 2019 through 2020 school year and each school year thereafter.
 - c. A school for which the out-of-school suspension gap between the lowest-suspended racial subgroup and the highest suspended racial subgroup, or the suspension gap between students with disabilities and students without disabilities, exceeds any of the following:
 - 1. Twenty percent for the 2018 through 2019 school year.
 - 2. Fifteen percent for the 2019 through 2020 school year.
 - 3. Ten percent for the 2020 through 2021 school year and each school year thereafter.
- B. If a school is identified as meeting a threshold under paragraph (a)(4) of this section for 3 consecutive school years, the Department shall notify the school of this status by December 1 and the school must do all of the following:
 - 1. Review its discipline policies, practices, and data.
 - 2. If a school has already implemented restorative justice practices, the school must review the interventions being used to assure research-based quality, scope of training provided, and follow-up support to assure proper implementation. Restorative justice practices program improvements should be made based on this review.
 - 3. Submit a plan to the Department that identifies the strategies the school will implement beginning in the following school year to reduce the use of exclusionary disciplinary practices or disproportionate use of exclusionary disciplinary practices with racial subgroups or students with disabilities, or both.
 - a. The plan may be part of their school improvement plan.
 - b. The plan must be developed with input from students, parents, educators, administrators, and community stakeholders to incorporate strategies to promote fairness and equity in discipline.
 - c. The plan may increase or improve professional development opportunities

for educators, administrators, and staff. Components of such professional development may include 1 or more of the following:

1. Restorative practices.
 2. Trauma informed care.
 3. Implicit bias awareness.
 4. Cultural competency.
 5. Classroom management.
 6. Other appropriate programming.
- d. The plan must be approved at either a public local school board meeting or a charter school's public board of directors meeting.
 - e. The school must submit the plan to the Department and post the plan on the school's internet website no later than the beginning of the following school year.
 - f. The school shall submit to the Department an annual progress report describing the implementation of the plan and post the progress report on the school's internet website no later than October 30. The school may cease submitting a progress report when the school does not meet a threshold under paragraph (a)(4) of this section for 3 consecutive years.
- C. The Department may promulgate regulations necessary to implement and enforce this section. The Department must consult with school administrators, parents, educators, and other stakeholders in developing regulations under this section.

81 Del. Laws, c. 324, § 2;

APPENDIX V

SCHOOL-POLICE RELATIONSHIPS AND REQUIREMENTS TO REPORT CRIMINAL AND OTHER CONDUCT TO THE DEPARTMENT OF EDUCATION AND THE POLICE

The Brandywine School District is required by State law or regulation to report certain student conduct to the appropriate Police Agency. To facilitate this process, and in compliance with State regulations, the District shall enter into Memorandum of Agreement between the Board of Education of the Brandywine School District and Law Enforcement Agencies in New Castle County every school year. This Agreement includes, but is not limited to, the following:

- A. School officials are charged with the responsibility to provide for the safety of students and the security of school property. School officials shall promptly report evidence of criminal offenses which occur in the school environment, including incidents that occur on or in connection with school buses. Additionally, evidence of those crimes which have occurred off school property but which come to the attention of school authorities **shall be** reported.
- B. Delaware Code ***requires mandatory reporting*** of the offenses listed in 14 Del. C §4112. School employees who have reliable information that would lead

a reasonable person to believe that one of the following has occurred on school property or at a school function must immediately report the incident to the principal or designee:

- Student, school volunteer, or school employee has been the victim of a violent felony, assault III, unlawful sexual contact III; or
- School employee has been the victim of offensive touching, terroristic threatening; or
- Student under 18 has been the victim of sexual harassment, as defined under Title 11 of the Delaware Code; or
- Person on school property has drugs, a weapon or bomb, or dangerous instrument.

The principal or designee will make every effort to notify the parent(s)/guardian(s) and will conduct a thorough investigation. If the investigation finds good reason to believe that a crime has been committed, there will be an immediate report to the police for any violent felony, drugs, weapon, bomb, or dangerous instrument, and within three days report for any other crime listed under § 4112. Reporting to police is not applicable if misdemeanor has been committed and the offender is under the age of 9. In addition, reporting to police is not applicable if the offense is sexual harassment, but the principal must file a written report with the Department of Education. The following list is not all-inclusive, but, at a minimum, the following shall be reported to the appropriate law enforcement agency or the Department of Education.

- Evidence that suggests the commission of the crimes of assault and extortion against pupils, or an assault, offensive touching, terroristic threatening or extortion against a school employee.
 - Evidence that suggests the commission of a felony, for example: reckless endangering; assault offenses; homicide; arson; criminal mischief; bombs; robbery; rape; extortion; fraud; forgery; weapons; etc.
 - Evidence that suggests violations of the laws concerning controlled substances and alcohol.
 - Evidence that suggests incest, sexual abuse, or the neglect or other abuse of children.
 - Evidence that suggests the use, possession, or sale of dangerous instruments or deadly weapons, (e.g. knives, firearms, ammunition, explosives, or blasting caps).
 - Evidence that suggests the possession or production of pornography.
 - Evidence of offenses involving school property, e.g. false fire alarms, telephone threats, computer crimes, vandalism and criminal mischief, theft of school equipment or property, reckless driving, and safety hazards.
 - Reports of suspicious persons or unauthorized persons on or near school grounds or property, or rumors, information, or observations of gang rivalries or activities. (These activities need not be reported to the State Board of Education).
 - Theft of school or personal property of school personnel.
 - Evidence of bullying
- C. POLICE MATTERS SHALL NOT INCLUDE CONDUCT TREATED AS A MATTER OF DISCIPLINE AND HANDLED ADMINISTRATIVELY BY THE SCHOOLS. ALL MISCONDUCT OF A SERIOUS NATURE SHOULD BE PROMPTLY REPORTED TO THE PARENT/LEGAL GUARDIAN OF THE INVOLVED STUDENT.

Memorandum of Agreement between the Board(s) of Education and Law Enforcement Agencies in the State of Delaware, September 2003.

For the purposes of the reporting requirements under Title 14 of the Delaware Code § 4112:

- Sexual harassment is defined as threatening to engage in conduct likely to result in the commission of a sexual offense against the person or suggesting, soliciting, requesting, commanding, importuning, or otherwise attempting to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that the person is likely to be annoyed, offended or alarmed.
- Bullying is defined as when one person, or group of persons, targets another person with repeated direct or indirect negative actions over a period of time which are harmful to the victim either emotionally or physically. A negative action occurs when a person knowingly inflicts, or attempts to inflict, physical or emotional injury or discomfort to another person.

APPENDIX VI

BRANDYWINE SCHOOL DISTRICT NOTICE OF RIGHTS OF STUDENTS AND PARENTS UNDER SECTION 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact us at the following address:

Brandywine School District 504 Coordinator 1311 Brandywine Boulevard
Wilmington, DE 19809

The implementing regulations of Section 504 provide parents and/or students with the following rights:

1. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
2. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his/her needs. 34 CFR 104.34.

4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
6. You have the right not to consent to the district's evaluation of your child. 34 CFR 104.35.
7. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
8. You have the right to ensure that the district considers information from a variety of sources, as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.
9. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
10. If your child is determined to be eligible under Section 504, then your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.
11. You have the right to receive notice prior to any actions by the district regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
12. You have the right to examine your child's educational records. 34 CFR 104.36.
13. You have the right to file an informal grievance. Procedures for filing an informal grievance are addressed in the District's Section 504 Procedural Safeguards.
14. You have the right to an impartial hearing with respect to the school system's actions regarding your child's identification, evaluation, or educational placement, with the opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
15. You have the right to receive a copy of this notice and a copy of the district's impartial hearing procedure upon request. 34 CFR 104.36.
16. If you disagree with the decision of the impartial hearing officer, you have the right to a review of that decision according to the district's impartial hearing procedures, 34 CFR 104.36.
17. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights, at:

Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Facsimile: (215) 656-8605
Email: OCR.Philadelphia@ed.gov

BRANDYWINE SCHOOL DISTRICT SECTION 504 PROCEDURAL

A. SAFEGUARDS

1. **Informal grievance:** It is the policy of the District not to discriminate against students with regard to access to programs, services and activities on the basis of disability. If informal discussions have not achieved a resolution, the student/parent/guardian may obtain a Grievance Filing Form from the Principal. The

completed form should be submitted to the Principal within fifteen (15) school days of the action that is the subject of the informal grievance. Within fifteen (15) school days of receipt of the written grievance, the Principal shall provide the grievant with a Grievance Resolution Notice that upholds, modifies or denies the resolution sought. If the grievant is not satisfied with the Principal's response, they may request an impartial hearing as outlined below. Please note that you are not required to exhaust the District's grievance or hearing procedures before filing a complaint with the federal Office of Civil Rights.

2. **Impartial Hearing:** Any student, parent, or guardian ("Complainant") may request an impartial hearing due to the school system's actions or inactions regarding your child's identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be submitted in writing to the District's Section 504 Coordinator at 1311 Brandywine Boulevard, Wilmington, DE 19809. However, a Complainant's failure to request a hearing in writing does not alleviate the District's obligation to provide an impartial hearing if the Complainant orally requests an impartial hearing through the District's Section 504 Coordinator. The District's Section 504 Coordinator will, upon request, assist the grievant in completing the written Request for Hearing.
3. **Impartial Hearing Request.** The Request for Hearing must include the following information:
 - the name of the student.
 - the student's residential address.
 - the name of the school the student is attending.
 - the decision that is the subject of the hearing.
 - the requested reasons for review.
 - the proposed remedy sought by the Complainant.
 - the name and contact information of the Complainant.

Within 10 business days of receiving the Complainant's Request for Hearing, the Section 504 Coordinator will acknowledge its receipt in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the Complainant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

4. **Mediation.** The District may offer mediation to resolve the issues detailed by the Complainant in their Request for Hearing. Mediation is voluntary and both the Complainant and the District must agree to participate. The Complainant may terminate the mediation at any time. If the mediation is terminated without an agreement, the District will follow the procedure for conducting an impartial hearing without requiring an additional Request for Hearing.
5. **Hearing Procedures:**
 - The Section 504 Coordinator will obtain an impartial hearing officer (the "IHO") who will conduct the hearing within 45 calendar days from the receipt of the Complainant's Request for Hearing unless otherwise agreed to by the Complainant or if a continuance is granted by the IHO.
 - Upon a showing of good cause by the Complainant or the District, the IHO may, at their discretion, grant a continuance and set a new hearing date. The request for a continuance must be made in writing and be copied to the other party.

- The Complainant will have an opportunity to examine the child's educational records prior to the hearing.
 - The Complainant will have the opportunity to be represented by legal counsel at their own expense at the hearing and participate, speak, examine witnesses, and present evidence at the hearing. If the Complainant is to be represented by legal counsel at the hearing, they must so inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
 - The Complainant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the IHO may require the District to defend its position/decision regarding the claims. One or more representatives of the District, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the Complainant's testimony and answer questions posed by the IHO.
 - The IHO shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to the hearing. The IHO shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
 - The IHO shall determine the weight to be given any evidence based on its reliability and probative value.
 - The hearing shall be closed to the public.
 - The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
 - Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The IHO, at their discretion, may allow further examination of witnesses or ask questions of the witnesses.
 - Testimony shall be recorded by court reporter or by audio recording at the expense of the District. All documentation related to the hearing shall be retained by the District.
 - Unless otherwise required by law, the IHO shall uphold the action of the District unless the Complainant can prove that a preponderance of the evidence supports his or her claim.
 - Failure of the Complainant to appear at a scheduled hearing unless prior notification absence was provided and approved by the IHO or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.
6. **Decision:** The IHO shall issue a written decision within 20 calendar days of the date the hearing concluded. The determination of the IHO shall not include any monetary damages or the award of any attorney's fees.
 7. **Review:** If not satisfied with the decision of the IHO, any party may pursue any right of review, appeal, cause of action or claim available to them under the law.

APPENDIX VII

ADDRESSING COMPLAINTS OF NON-COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT

STATEMENT OF PURPOSE:

To establish an administrative process to address a complaint that the District has failed to comply with the requirements of Section 504 of the Rehabilitation Act ("the Act").

REGULATION

A. DEFINITIONS

1. **"Grievant"** as used in this Regulation shall mean a parent of a student with a disability, or a student age 18 years or older with a disability who believes that the District has failed to comply with Section 504 of the Rehabilitation Act.
2. **"Superintendent"** as used in this Regulation shall mean the Superintendent of the Brandywine School District or his/her designee.
3. **"Controversy"** as used in this Regulation means an allegation that the District failed to comply with the requirements of the Act, whether intentional or unintentional.

B. PROCEDURE

1. A grievant who believes that the District has failed to comply with the requirements of the Act must file a written complaint with the Director, Special Education and Support Services within seven (7) business days after the grievant knew or should have known of the controversy. The written complaint must include:
 - the nature of the controversy
 - the name of the administrator responsible for the location where the controversy arose.
 - attempts by the grievant to address the controversy prior to filing the complaint.
 - a proposed remedy for the controversy.

The grievant may use the COMPLAINT OF NON-COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT form located at District Offices and on the District's website.

2. Within two work days, the Director of Special Education shall notify the Superintendent of the complaint.
3. The Superintendent or designee shall schedule a hearing within 15 school days of receipt of the written grievance. Parents shall have the right:
 - to be represented by counsel at their own expense;
 - to present witnesses and cross examine any witnesses presented by the District; and
 - to receive a copy of any written report.

The hearing shall be recorded and a transcript of the hearing created. Parents shall have a right to receive a copy of the transcript at their own expense.

4. A written report of findings and recommendations of the Hearing Officer shall be submitted to the Superintendent within five school days of the hearing for review. The Superintendent shall forward a copy of the Hearing Officer's Report to the grievant and the Director of Special Education.
5. Within ten work days of receipt, the Superintendent shall determine if the District failed to comply with the Act and will provide written notification to the Director of Special Education of his/her decision. If the Superintendent

determines that the District failed to comply with the Act, she/he will determine the appropriate remedy which may include, but is not limited to, the remedy proposed by the grievant.

6. The Director of Educational Services shall send written notification of the Superintendent's decision to the grievant by certified mail within two work days of receipt
7. The grievant may file a complaint with a court of competent jurisdiction, or with the Office of Civil Rights at the following address:

Office of Civil Rights
U.S. Department of Health and Human Service
150 S. Independence Mall West
Suite 372
Philadelphia PA, 19106-9111

**Questions about this regulation should be addressed to the
Office of the Superintendent at
1311 Brandywine Boulevard, Wilmington, DE 19809 or (302) 793-5002.**

APPENDIX VIII

ADDRESSING COMPLAINTS OF NON-COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS ACT

STATEMENT OF PURPOSE:

To establish an administrative process to address a complaint that the District has failed to comply with the requirements of the Title IX of the Education Amendments Act ("the Act").

REGULATION

A. DEFINITIONS

1. **"Grievant"** as used in this Regulation shall mean a parent of a student, a student age 18 years or older, or an employee of the District who believes that the District has discriminated against a student or group of students because of gender in the education programs or activities of the District in violation of the requirements of the Act.
2. **"Superintendent"** as used in this Regulation shall mean the Superintendent of the Brandywine School District or his/her designee.
3. **"Controversy"** as used in this Regulation means an allegation that the District failed to comply with the requirements of the Act, whether intentional or unintentional.

B. PROCEDURE

1. A grievant who believes that the District has failed to comply with the requirements of the Act must file a written complaint with the Director of Human Resources within seven (7) business days after the grievant knew or should have known of the controversy. The written complaint must include:
 - a. the nature of the controversy

- b. the name of the administrator responsible for the location where the controversy arose.
 - c. attempts by the grievant to address the controversy prior to filing the complaint.
 - d. a proposed remedy for the controversy. The grievant may use the COMPLAINT OF NON-COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS ACT form located at District Offices and on the District's website.
2. Within two work days, the Director of Human Resources shall notify the Superintendent of the complaint.
 3. The Director of Human Resources or his/her designee shall investigate the allegations in the written complaint and present a written report of findings and recommendations to the Superintendent within 20 work days of receipt. The grievant shall be notified that the written report has been provided to the Superintendent for review.
 4. Within ten work days of receipt, the Superintendent shall determine if the District failed to comply with the Act and will provide written notification to the Director of Educational Services of his/her decision. If the Superintendent determines that the District failed to comply with the Act, she/he will determine the appropriate remedy which may include, but is not limited to, the remedy proposed by the grievant.
 5. The Director of Human Resources shall send written notification of the Superintendent's decision, by certified mail, to the grievant within two work days of receipt
 6. If the grievant is not satisfied with the Superintendent's decision, the grievant may file a written response to the decision with the Superintendent, within five days of receipt of the written decision. The Superintendent shall forward:
 - a copy of the written decision;
 - the grievant's response to the written decision; and
 - the investigation report, to the Board for review and discussion in the next appropriate Executive Session of the Board. If the grievant fails to timely file a written response to the Superintendent's decision, the Superintendent's decision shall be final.
 7. The grievant may request an audience with the Board during the Executive Session in which the Board is discussing his/her appeal.
 8. Within five work days of the Board's decision, the Superintendent, shall send the grievant a written copy of the Board's decision. The Board's decision shall be final.

**Questions about this regulation should be addressed to the
Office of the Superintendent at
1311 Brandywine Boulevard, Wilmington, DE 19809 or (302) 793-5002.**

APPENDIX IX

NOTICE NO CHILD LEFT BEHIND DISCLOSURE OF STUDENT INFORMATION TO MILITARY RECRUITERS, INSTITUTION OF HIGHER LEARNING & OTHER GROUPS

On January 8, 2002, President Bush signed into law the No Child Left Behind Act ("NCLB"), Public Law 107-110. In addition to addressing academic standards, teacher quality and school safety, the law also imposes requirements regarding the disclosure of student contact information to military recruiters, institutions of higher learning, and other groups.

Under section 9528 of the NCLB, local school districts are required to disclose the names, addresses, and telephone numbers of high school students upon request by military recruiters, institutions of higher learning, and other groups, **unless** individual students or their parents request that the information not be released without prior written consent. The Brandywine School District has created forms for parents and students in the 11th and 12th grades to complete and return to the Principal if parents and students do not want information disclosed to military recruiters, institutions of higher learning, or other groups without prior consent. The forms are available in the guidance office of each high school and must be completed and returned to the Principal by November 1 of the current school year. If the Principal has not received this form by November 1, the school will assume that it has your consent to release information to military recruiters, institutions of higher learning, and other groups.

APPENDIX X

SUICIDE PREVENTION TRAINING

A. PURPOSE:

In compliance with Title 14, §4124. Brandywine School District establishes this Policy to outline the procedures/protocol for training public school employees on suicide prevention.

B: ISSUE:

The Brandywine School District (hereinafter referred to as "The District") recognizes the serious problem of youth suicide and acknowledges that providing this policy for schools and districts related to youth suicide recognition and prevention is very important. The District also acknowledges that youth suicide is a complex issue, which cannot be addressed by the districts and schools alone. This Suicide Prevention Policy ("Policy") meets the requirements of 14 Del. C. §4124, relative to Suicide Prevention.

The Superintendent shall ensure that all requirements of 14 Del. C. § 4124 in regards to suicide prevention are included in the Student Code of Conduct and are reviewed annually and updated as needed.

C: POLICY:

1. Suicide Prevention Training for Public School Employees

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

2. Suicide Prevention Program

The District shall develop a Suicide Prevention Program. The components of the District's Suicide Prevention Program may vary to address the needs of different grade levels. Each school shall establish a committee that is responsible for coordinating the suicide prevention program within the school. This can be addressed through a currently existing committee in the school.

3. Confidential and Anonymous Reporting

School staff shall follow the District "**Crisis Intervention Procedures for Suicide Threats**" to provide for confidential and anonymous reporting of a student demonstrating the warning signs of suicide. The document outlining the process will be maintained by the principal or a staff member designated by the principal and a copy will be sent to the Student Services Office. At a minimum, any privacy rules shall be followed, including any applicable Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) provisions.

Procedure for communication between school staff members and medical professional who are involved in treating students for suicide issues.

For a student who has not reached the age of 18, Release of Information forms shall be signed by the parent, guardian, or relative caregiver in order for the primary care physician or healthcare professional to communicate with school personnel regarding any treatment of a student.

Notwithstanding the foregoing, communications between healthcare professionals and school staff regarding any treatment of a student may occur for any student 14 years or older who has provided consent for voluntary outpatient treatment in accordance with 16 Del. C. § 5003. In accordance with HIPAA and FERPA guidelines, releases shall be signed before communication may take place. Communications without signed releases in an emergency situation may occur in accordance with HIPAA and FERPA regulations and guidelines.

- If a parent refuses to sign a release form at school, the school will review this policy with them, explaining the reasons the release would be advantageous to the student.
- Emergency evaluations can be obtained from hospital emergency departments; a licensed healthcare professional; a physician; or nurse practitioner; or from the state's Child Priority Response Mobile Crisis Service if the student is under 18 years of age, or from the Adult Mobile Crisis Service if the student is between the ages of 18-21.

4. Posting of the Suicide Prevention Policy

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

5. Retaliation Restrictions

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



BRANDYWINE SCHOOL DISTRICT LOCATIONS

Brandywineschools.org

ADMINISTRATIVE OFFICES

Lisa A. Lawson, Ed.D., Superintendent of Schools
Kenny Rivera, Ed.D., Asst. Superintendent
1311 Brandywine Boulevard, Wilmington, DE 19809
(302) 793-5000 Main (302) 765-1995 Fax

BRANDYWINE HIGH

Dr. Sterling Seamans, Principal
Robert Holt, Asst. Principal
John Norton, Asst. Principal
Dr. Eryn Smith, Asst. Principal
Jahsha Tabron, Asst. Principal
Natasha Morris, Dean of Students
Michael Richardson, Dean of Students
1400 Foulk Road, Wilmington, DE 19803
(302) 479-1600 Main (302) 479-1604 Fax
(302) 479-1609 Guidance (302) 479-1602 Nurse

BUSH SCHOOL

Erika Gunter, Principal
Jamee Catalano, Asst. Principal
2523 Berwyn Road, Wilmington, DE 19810
(302) 479-2600 Main (302) 479-2216 Fax
(302) 479-2600 Guidance (302) 479-2207 Nurse

CARRCROFT ELEMENTARY

Dr. Dionne Fears, Principal
Dana Rodriguez, Asst. Principal
TBD, Dean of Students
503 Crest Road, Wilmington DE 19803
(302) 762-7165 Main (302) 762-7106 Fax
(302) 762-7195 Guidance (302) 762-7166 Nurse

CLAYMONT ELEMENTARY

Juliet Agresti, Principal
Ed Burks, Asst. Principal
Dr. Tia Wood, Asst. Principal
Melissa Finocchiaro, Dean of Students
Casey Lazaric, Dean of Students
3401 Green Street, Claymont, DE 19703
(302) 792-3880 Main (302) 792-3877 Fax
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CONCORD HIGH

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Dr. Cary Riches, Asst. Principal
Chris Rispoli, Asst. Principal
Wally Waite, Asst. Principal
TBD, Dean of Students
Sanya Terry, Dean of Students
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DARLEY ROAD EARLY EDUCATION CENTER

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Jamee Catalano, Asst. Principal
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FORWOOD ELEMENTARY

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Dr. Megan Stoffa, Asst. Principal
Dr. DeShawn Lowman, Dean of Students
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Monique Johnson, Asst. Principal
Elizabeth Legare, Dean of Students
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Warren Mays, Acting Asst. Principal
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Jessica Crawford, Asst. Principal
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MAPLE LANE ELEMENTARY

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Sabrina Paulino, Asst. Principal
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MT. PLEASANT ELEMENTARY

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Brent Thorpe, Asst. Principal
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MT. PLEASANT HIGH

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Carl Bernard, Asst. Principal
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PS DUPONT MIDDLE

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Philip Reggio, Asst. Principal
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SPRINGER MIDDLE

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Uchechi Amudipe, Asst. Principal
Tom Pidgeon, Asst. Principal
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Jim Fedena, Asst. Principal
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