2026-27

CAPE HENLOPEN SCHOOL DISTRICT

Student Code of Conduct

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

CAPE HENLOPEN
SCHOOL DISTRICT

OUR PROMISE
Excellence, Equity, and Responsiveness:
Every Student, *Every* Classroom, *Every* Day.

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

DISTRICT OFFICE
1270 Kings Highway, Lewes, DE 19958
(302) 645-6686

CAPE HENLOPEN HIGH SCHOOL
1250 Kings Highway, Lewes, DE 19958
(302) 645-7711

BEACON MIDDLE SCHOOL
19483 John J. Williams Highway, Lewes, DE 19958
(302) 645-6288

FREDERICK D. THOMAS MIDDLE SCHOOL
910 Sussex Drive, Lewes, DE 19958
(302) 645-7795

MARINER MIDDLE SCHOOL
16391 Harbeson Road, Milton, DE 19968
(302) 6984-8516

H.O. BRITTINGHAM ELEMENTARY SCHOOL
402 Mulberry Street, Milton, DE 19968
(302) 684-8522

LEWES ELEMENTARY SCHOOL
820 Savannah Road, Lewes, DE 19958
(302) 645-7748

LOVE CREEK ELEMENTARY SCHOOL
19488 John J. Williams Highway, Lewes, DE 19958
(302) 703-3456

MILTON ELEMENTARY SCHOOL
512 Federal Street, Milton, DE 19968
(302) 684-2516

REHOBOTH ELEMENTARY SCHOOL
500 Stockley Street, Rehoboth Beach, DE 19971
(302) 227-2571

SUSSEX CONSORTIUM
17344 Sweetbriar Road, Lewes, DE 19958
(302) 645-7210

LITTLE VIKINGS PRESCHOOL
17344 Sweetbriar Road, Lewes, DE 19958
(302) 645-7210

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CHAPTER I

Introduction

INTRODUCTION

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

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

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

CONTENTS OF THE CODE OF CONDUCT

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

THE STUDENT CODE OF CONDUCT IS IN FORCE:

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

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

POSITIVE LEARNING ENVIRONMENT

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

- An array of culturally proficient and engaging educational experiences and opportunities tailored to the unique needs of each student
- Working with students to create Community Respect Agreements
- Valuing student input and creating a safe space for open communication
- Establishing clear rules and expectations that create a sense of order and predictability
- Creating opportunities for students to work together and share ideas to foster a sense of community and belonging
- Acknowledging and celebrating both individual and collective achievements to create a positive and motivating atmosphere

INTRODUCTION

A positive learning environment also needs a working, cooperative relationship among students, families, and school personnel. This relationship is most productive when:

Students Commit to:

- Attending school and classes regularly, on time and dressed appropriately
- Demonstrating respect for self, school, staff and students
- Being prepared for class assignments and activities
- Refraining from use of profanity, abusive language, or inflammatory actions in personal interactions
- Conducting themselves in a safe and responsible manner
- Being responsible for their own work and behavior
- Abiding by the rules and regulations set forth by the school and individual classroom teacher(s)
- Seeking changes and supports as needed in a productive manner

Families Acknowledge:

Family involvement in schools has been shown to contribute to student success, including:

- Improved student achievement, including math and reading scores.
- Higher motivation to excel in school.
- Better school attendance.
- Improved behavior at home and school.
- Better social skills and adaptation to school.

Family involvement in schools also has rewards for parents/guardians:

- The opportunity to closely monitor their children's performance and to recognize and address any difficulty their child may be having in school.
- Better relationships and communication with their children's teachers.
- Having a voice in decisions that enhance the academic environment of the school and improve the educational experience.

Family involvement also gives schools many advantages:

- Immediate access to parents to garner their support on school initiatives.
- Improved teacher morale.
- Higher regard of teachers by parents, which can deepen their connection to the community.
- Creating impactful relationships to engage community-wide support for educational excellence for students.

Families Commit to:

- Academic and Attendance Support
    - *Regular Attendance:* Ensuring students attend school regularly, on time, and for the full instructional day.
    - *Engagement:* Monitoring academic progress, reviewing grades, and ensuring students are prepared for class with the proper materials.
    - *Communication:* Notifying the school promptly about absences, updating contact information, and attending scheduled parent-teacher conferences in-person or virtually.

- **Behavioral Expectations**
  - *Modeling Respect:* Demonstrating respectful and courteous behavior toward all staff, students, and other parents while on school premises or at school-sponsored events.
  - *Zero Tolerance for Hostility*:* Refraining from using threatening, aggressive, discriminatory, or profane language/actions in communications with school leadership, faculty/staff and community members. **PLEASE NOTE: Any family member or caregiver who acts in an unacceptable manner (i.e., gross disrespect, threatening, or causing disruption to the professional or academic climate) toward any staff member or student may be banned from the school for the duration of the school year.*
  - *Reinforcing Rules:* Reviewing and accepting the Code of Conduct including the Technology Acceptable Use Policy, Technology Agreement and the Cell Phone Policy. Talking with children about behavioral expectations, modeling positive values, and supporting the school's disciplinary decisions.
- **Community and Safety**
  - *Following Procedures:* Adhering to school safety protocols, including visitor check-ins, campus drop-off/pick-up procedures, and campus access rules.
  - *Resolving Conflicts:* Following proper channels for addressing concerns or complaints respectfully and professionally.

Faculty & Staff Commit to:

- Attending regularly and on time
- Showing respect for each child and family
- Providing an environment conducive for learning
- Maintaining open lines of communication with students and families
- Demonstrating professional behavior and positive attitudes
- Conducting themselves in a safe and responsible manner
- Providing high-quality curriculum and instruction
- Refraining from using profanity, abusive language or inflammatory actions in personal interactions
- Abiding by the rules and regulations set forth by the School and the District
- Developing good working relationships among staff and with students
- Providing opportunities for parent/guardian participation in affairs of the school
- Involving the community to support the culture and climate within the school and the District

CHAPTER II

Student Rights, Responsibilities & Commitments

STUDENT RIGHTS, RESPONSIBILITIES & COMMITMENTS

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

ATTENDANCE

EXCUSED ABSENCE

Students are required to attend school each day it is in session. The following will result in an excused absence:

- Illness of the student
- Death in the immediate, including grandparents, absence not to exceed one week; funerals of other relatives or close friends, not to exceed three days
- 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
- Emergency situations as determined by the principal
- Approved religious holidays per Delaware Department of Education

Parent Notes: An absence followed by a note from the parent/guardian within three (3) days of the student's return to school (not to exceed 10 days per school year). In the event absenteeism exceeds 10 days within the given school year, any subsequent parent notes received will be considered unexcused absences.

Documented Notes: An absence followed by a documented note from a member of the medical or professional community for services such as: medical, dental, mental health, court system, attorney, or death within the student's immediate family, etc.

***Parents/guardians will be contacted about the absence of their child using an automated daily notification system.*

See Board Policy #204

CELL PHONES & PERSONAL ELECTRONIC DEVICE POLICY

This policy will be reviewed annually with input from students, educators, administrators, and other appropriate stakeholders. Schools may use surveys, advisory committees, student leadership groups, or other feedback opportunities to evaluate implementation and inform future revisions.

Students are expected to use cell phones and other personal electronic devices responsibly and in a manner that supports a safe, orderly, and productive learning environment. The use of personal electronic devices will not disrupt instruction, interfere with school operations, or compromise the safety and well-being of students or staff. Expectations regarding this policy will be communicated annually to students and parents/guardians to promote understanding and consistent implementation.

Unless otherwise authorized under this policy, student use of cell phones and other personal electronic devices is prohibited during the instructional school day. Limited exceptions may be approved by the building administrator or designee for instructional purposes or as otherwise provided in this policy.

Elementary and Middle Schools

Students enrolled in elementary and middle schools will keep cell phones and other personal electronic devices (airpods, headphones, & other devices) powered off or silenced and stored out of sight throughout the instructional school day.

High School
High school students may use cell phones and other personal electronic devices only during their assigned breakfast or lunch periods and only in designated areas, unless otherwise authorized by school administration.

Each school will communicate this policy and any related provisions of the Student Code of Conduct through student and parent handbooks, school websites, orientations, and other appropriate methods. Students and parents/guardians shall acknowledge receipt of the Student Code of Conduct in accordance with district procedures. School staff are expected to consistently enforce this policy in accordance with administrative procedures and applicable disciplinary guidelines.

When appropriate, staff should provide students with reminders, redirection, and opportunities to correct their behavior before disciplinary action is taken. Repeated or continued violations may result in progressive disciplinary consequences as follows:

- First Offense: The student's cell phone or personal electronic device shall be confiscated and secured in the school office for the remainder of the school day. The student's parent/guardian shall be notified, and the student may retrieve the device at the end of the school day. Additional consequences may be assigned in accordance with the District Discipline Matrix or Student Code of Conduct.
- Second and Subsequent Offenses: The student's cell phone or personal electronic device shall be confiscated and secured in the school office. The student's parent/guardian shall be notified, and the device must be retrieved by the parent/guardian. Additional disciplinary consequences may be assigned in accordance with the District Discipline Matrix or Student Code of Conduct.

Nothing in this policy shall prohibit a student's access to or use of a cell phone or other personal electronic device when required to address a documented medical need; as specified in an Individualized Education Program (IEP), Section 504 Plan, or other approved educational accommodation; to provide language-access support for multilingual learners; during a verified emergency; or when authorized by the building administrator or designee for instructional, safety, or other educational purposes.

The district shall establish and communicate procedures through which a student or parent/guardian may request an exception to this policy. Such procedures will identify any required documentation and the administrator or designee responsible for reviewing and approving requests.

ELECTRONIC DEVICES USED TO VIOLATE SCHOOL RULES
The use of any electronic device to violate this policy or any other District policy, school rule, or provision of the Student Code of Conduct shall result in disciplinary action for both the underlying misconduct and the violation of this Cell Phone and Personal Electronic Device Policy. For example, a student who uses artificial intelligence (AI)-enabled glasses or another electronic device to record or access information during an assessment may be subject to disciplinary consequences for academic dishonesty in addition to consequences for violating this policy.

For purposes of this policy, personal electronic devices include, but are not limited to, cell phones, smartwatches, AI-enabled glasses, smart glasses, wearable pins or badges, earbuds, tablets, and any other device capable of recording, transmitting, receiving, downloading, storing, or submitting audio, video, images, text, or other electronic information.

Students who use any electronic device in violation of this policy may be subject to progressive disciplinary action in accordance with the District Student Code of Conduct and Discipline Matrix. In addition to any other disciplinary consequences, the school may restrict or revoke a student's privilege to possess or wear personal electronic devices during the school day for a period determined by the building administrator or designee.

The district and its schools will periodically review data related to violations of this policy to support consistent, equitable enforcement and to inform future policy review and continuous improvement efforts.

Unless otherwise authorized under this policy, student use of cell phones and other personal electronic devices is prohibited during the instructional school day. Limited exceptions may be approved by the building administrator or designee for instructional purposes or as otherwise provided in this policy.

See Board Policy #227

DRESS CODE

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

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

Minimum Expectations:

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

Click Here for Visual Details

EXPRESSION

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

Students have the right:

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

Students have the responsibility:

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

FERPA

The Family Education Rights and Privacy Act (FERPA) affords parent/guardian, and students over 18 years of age, the following rights:

Inspection and Review - Parent/guardian 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. Access shall be provided within 45 days of the receipt of the request.

HARASSMENT

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

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

See Board Policy #116

PERSONAL PROPERTY

School Locker

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

SEARCH AND SEIZURE

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

The District presumes a student possesses, and is therefore responsible for, all items in the student's locker, book bag, purse, or similar bag or container used to carry books or personal property. Students should regularly check the contents of personal storage containers. Failing to secure your locker, backpack, purse, instrument case, or other personal containers does not relieve you of responsibility for their contents, nor does it give others permission to access them. You remain accountable for any items found inside.

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

Students have the right:

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

Students have the responsibility:

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

PUBLISHING & DISTRIBUTING MATERIALS

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

Students have the right:

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

Students have the responsibility:

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

SCHOOL CLIMATE STRATEGIES

Restorative Practices

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

Click Here to Learn More

Trauma Informed Care

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

Click Here to Learn More

MTSS

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

Click Here to Learn More

Suicide Prevention

The Cape Henlopen School District recognizes that youth suicide is a serious problem and is committed to protecting the health and safety of all students. The District maintains a suicide prevention program and provides staff with annual training on recognizing the warning signs of suicide and responding appropriately. Each school has a designated team responsible for coordinating suicide prevention efforts and connecting students with mental health supports tailored to their individual needs. Students who report warning signs of suicide in themselves or others will not face retaliation for doing so, and are encouraged to speak with a mental health team member or administrator if they have concerns about themselves or a classmate. The state maintains a Mobile Crisis Line 1-800-969-4357 as well as the Crisis Text Line 988.

See Board Policy #238

14 Del. C. § 4165

TECHNOLOGY USAGE
See Board Policy #111

TRANSPORTATION PRIVILEGES
School Bus
See Board Bus Behavior & Discipline Matrix **(Click Here)**

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

1. Register all vehicles with the office. The tag must be displayed.

2. Park in student parking areas only.

3. Obey 15mph speed limit.

4. Operate the vehicle in a safe manner.

5. Upon arrival, student drivers and riders will go directly into the building.

6. Once on school grounds, students may not drive off the property without administrative approval.

7. Administrative approval is required for students to be in the parking lot areas when school is in session as they are unauthorized areas for students during the school day.

8. Students who drive or ride to school will be on time.

9. Only legally licensed drivers may drive/park on school grounds.

Student Motor Vehicles (continued)

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

SAFETY

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

Students have the right:

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

STUDENT GOVERNMENT

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

Students have the right:

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

Students have the responsibility:

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

CHAPTER III

Student Activities & Athletics

STUDENT ACTIVITIES & ATHLETICS

SENIOR RELEASE, WORK STUDY AND ACADEMIC EARLY DISMISSAL

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

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

ASSEMBLIES

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

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

ATHLETIC & EXTRACURRICULAR ELIGIBILITY

See Board Policy #123

PER DIAA RULE BOOK A STUDENT IS NOT ELIGIBLE

Student Eligibility - Refer to DIAA Rule Book **(Click Here)**

CLUBS

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

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

SOCIAL EVENTS

Dances will be held throughout the school year at the request of some student organizations. Refreshments will be sold by the sponsoring group. Dances will last 90 minutes to two hours depending on the time of year.

Secondary regulations for social events are:

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

ATHLETIC CODE OF ETHICS

Code for Interscholastic Athletics:

The Athletic Department will:

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

The Spectator will:

- Realize that they represent the school just as definitely as does the member of a team and, therefore, has an obligation to be a true sport, encouraging through this behavior the practice of good sportsmanship by others.
- Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill and outstanding examples of sportsmanship and fair play exhibited by either team
- Treat visiting teams and officials as guests, extending to them every courtesy
- Be modest in victory and gracious in defeat
- Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them and that without officials there would be no game.

- The following are some examples of poor sportsmanship which shall not be tolerated:
    - Profanity, vulgarity, obscene gestures, abusive language and/or derogatory remarks
    - Throwing objects
    - Going to the floor or field and interrupting a contest
    - Use of alcohol or other controlled substances
    - Making derogatory comments toward or about coaches or athletes.

Participants (Athletes and Cheerleaders) will:

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

ATHLETIC CODE OF ETHICS (continued)

The coach will:

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

The Official will:

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

CHAPTER IV

Disciplinary Process, Procedures & Steps

DISCIPLINARY PROCESS, PROCEDURES & STEPS

STEP 0

CLASSROOM INTERVENTIONS & RESPONSES

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

Utilize Preventative Strategies & Establish/Reinforce Expectations:

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

Continue Building/Reinforcing Positive Relationships and Rapport with Students:

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

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

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

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

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

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

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

STEP 1

INTERVENTIONS INVOLVING SCHOOL SUPPORT STAFF AND/OR ADMINISTRATION

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

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

Step 0 plus:

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

STEP 2

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

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

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

Step 0-1 plus:

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

STEP 3

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

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

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

Step 0-2 (when applicable) plus:

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

STEP 4

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

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

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

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

STEP 5

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

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

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

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

STEP 6

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

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

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

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

STEP 7

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

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

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

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

STEP 8

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

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

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

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

STEP 9

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

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

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

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

MANDATORY POLICE REPORTING

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

The following require mandatory reports to police:

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

MANDATORY POLICE REPORTING (continued)

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

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

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

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

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

VIOLATIONS AND DISCIPLINARY ACTIONS

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

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

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

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

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

COMBINATION OF OFFENSES

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

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

CORPORAL PUNISHMENT

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

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

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

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

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

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

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

IN-SCHOOL SUSPENSION

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

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

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

OUT-OF-SCHOOL SUSPENSION

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

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

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

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

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

PROGRESSIVE DISCIPLINE MATRIX

With strategies, approaches and resonses to unexpected behaviors

MTSS Framework	Tier I	Tier I with support staff/admin	Tier 2	Tier 2	Tier 2	Tier 3	Tier 3	Tier 3	Tier 3	Tier 3	Mandatory Police Reporting
Restorative Practices Continuum	**Informal**	**Informal**	**Informal**	**Informal**	**Formal**	**Formal**	**Formal**	**Formal**	**Formal**	**Formal**	
Offense/Violation	Step 0	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	
KN-5	Classroom Interventions	Referral & Supports/ Detention	1/2 Day ISS	1+ Day ISS	1 Day OSS	2 Days OSS	3 Days OSS	5 Days OSS	5+ Days OSS &/or optional Alternative Placement Recommendation	5+ Days OSS and Recommend AP or expulsion	
CRIMINAL OFFENSES PER STATE DISCIPLINE CODES											
Assault Causing Physical Injury							●	●	●	●	X
Distribution of Alcohol and/or Drugs									●	●	X
Other State Reportable Offenses								●	●	●	X
Possession and/or Use of Alcohol and/or Drugs					●	●	●	●	●	●	X
Possession and/or Use of Deadly Weapon									●	●	X
Possession and/or Use of Explosive Devices									●	●	X
Possession and/or Use of Firearms										●	X
Rape										●	X
Robbery						●	●	●	●	●	X
Sexual Assault									●	●	X
Teen Dating Violence									●	●	X
Threat of Physical Attack w/ Weapon				●	●	●	●	●	●	●	X
Theatening Mass Violence									●	●	X
'D' OFFENSES PER STATE DISCIPLINE CODES											
Bullying			●	●	●	●	●	●	●		
Destruction of Property *(Criminal Mischief-Vandalism)*		●	●	●	●	●					X
Exposure							●	●	●		X
Fighting				●	●	●	●	●	●		
Harassment			●	●	●	●	●	●	●		
Hate Speech/Conduct			●	●	●	●	●				
Inappropriate Touch *Employee Victim*			●	●	●	●	●	●	●		X
Inappropriate Touch *Student Victim*			●	●	●	●	●	●	●		X
Mutual Group Fight				●	●	●	●	●	●		X
Physical Restraint - No Code Violation											

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

Possession and/or Production of Pornography				●	●	●	●	●	●		X
Possession and/or Use of Dangerous Instrument		●	●	●	●	●	●	●	●		X
Possession and/or Use of Nonprescription and/or Prescription Medications		●	●	●	●	●	●	●	●		X
Possession and/or Use of Tobacco or Electronic Smoking Devices		●	●	●							
Theft ($1,500+)					●	●	●	●	●		X
Threat of Physical Attack w/out A Weapon			●	●	●	●	●	●			
SCHOOL OFFENSES PER STATE DISCIPLINE CODES											
Academic Dishonesty	●	●									
Attorney General Report		●	●	●	●	●	●	●	●		
Careless & Reckless Behavior	●	●	●	●	●	●					
Consensual Sexual Misconduct				●	●	●					
Defiance of School Authority	●	●	●	●	●	●					
Disruptive Behavior	●	●	●	●	●	●					
Dress Code Violation	●	●									
Falsely Signing and Impersonating	●	●	●	●	●	●	●				
Inappropriate Language & Gestures	●	●	●	●	●	●	●				
Instigation	●	●	●	●	●						
Leaving School Grounds Without Permission			●	●	●	●					
Loitering	●	●	●	●	●	●					
Misuse of Technology	●	●	●	●	●	●					
Safety Violation	●	●	●	●	●	●					
Skipping/Leaving Class		●	●	●	●						
Tardiness to School & Class	●	●	●	●							
Theft Less than $1500	●	●	●	●	●	●	●				
Unauthorized Use of Electronic Device	●	●	●	●							
Unsafe Item	●	●	●	●	●	●					

For a complete list of definitions for each of the offense, visit the Appendix I, CHSD Glossary

PROGRESSIVE DISCIPLINE MATRIX

With strategies, approaches and resonses to unexpected behaviors

MTSS Framework	Tier I	Tier I with support staff/admin	Tier 2	Tier 2	Tier 2	Tier 3	Tier 3	Tier 3	Tier 3	Tier 3	Mandatory Police Reporting
Restorative Practices Continuum	**Informal**	**Informal**	**Informal**	**Informal**	**Formal**	**Formal**	**Formal**	**Formal**	**Formal**	**Formal**	
Offense/Violation	Step 0	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	
Grades 6-12	Classroom Interventions	Referral & Supports/ Detention	1/2 Day ISS	1+ Day ISS	1 Day OSS	2 Days OSS	3 Days OSS	5 Days OSS	5+ Days OSS &/or optional Alternative Placement Recommendation	5+ Days OSS and Recommend AP or expulsion	
CRIMINAL OFFENSES PER STATE DISCIPLINE CODES											
Assault Causing Physical Injury									●	●	X
Distribution of Alcohol and/or Drugs										●	X
Possession and/or Use of Alcohol and/or Drugs									●	●	X
Possession and Use of a Deadly Weapon									●	●	X
Possession and/or Use of Explosive Devices									●	●	X
Possession and/or Use of Firearms										●	X
Rape										●	X
Robbery									●	●	X
Sexual Assault									●	●	X
Teen Dating Violence									●	●	X
Threat of Physical Attack w/ Weapon								●	●	●	X
Theatening Mass Violence										●	X
'D' OFFENSES PER STATE DISCIPLINE CODES											
Bullying				●	●	●	●	●	●		
Destruction of Property *(Criminal Mischief-Vandalism)*		●	●	●	●	●	●	●	●		X
Exposure									●	●	X
Fighting								●	●	●	
Harassment						●	●	●	●	●	X
Hate Speech/Conduct				●	●	●	●	●			
Inappropriate Touch *Employee Victim*									●	●	X
Inappropriate Touch *Student Victim*							●	●	●	●	X
Mutual Group Fight									●	●	
Physical Restraint - No Code Violation											

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

Possession and/or Production of Pornography				●	●	●	●	●	●	●	X
Posession and/or Use of Dangerous Instruments							●	●	●	●	X
Possession and/or Use of Nonprescription and/or Prescription Medications		●	●	●	●	●	●	●	●		X
Possession and/or Use of Tobacco or Electronic Smoking Devices			●	●	●	●	●	●	●		X
Theft ($1,500+)								●	●	●	X
Threat of Physical Attack w/out A Weapon				●	●	●	●	●	●		
SCHOOL OFFENSES PER STATE DISCIPLINE CODES											
Academic Dishonesty	●	●	●	●							
Attorney General Report		●	●	●	●	●	●	●	●	●	
Careless & Reckless Behavior	●	●	●	●	●	●					
Consensual Sexual Misconduct					●	●	●	●			
Defiance of School Authority	●	●	●	●	●	●					
Disruptive Behavior	●	●	●	●	●	●					
Dress Code Violation	●	●	●	●							
Falsely Signing and Impersonating	●	●	●	●	●	●	●				
Inappropriate Language & Gestures	●	●	●	●	●	●	●				
Instigation			●	●	●	●	●	●	●		
Leaving School Grounds Without Permission				●	●						
Loitering	●	●	●	●	●	●					
Misuse of Technology	●	●	●	●	●	●					
Safety Violation	●	●	●	●	●						
Skipping/Leaving Class		●	●	●	●						
Tardiness to School & Class	●	●	●	●							
Theft Less than $1500			●	●	●	●	●				
Unauthorized Use of Electronic Device	●	●	●	●							
Unsafe Item				●	●	●	●	●			

For a complete list of definitions for each of the offense, visit the Appendix I, CHSD Glossary

CHAPTER V

Disciplinary Procedures

DISCIPLINARY PROCEDURES

DUE PROCESS

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

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

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

STUDENT APPEAL

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

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

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

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

DISTRICT-LEVEL EXPULSION HEARING

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

Step I

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

Step II

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

DISTRICT-LEVEL EXPULSION HEARING

The student shall have the following rights:

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

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

OUT-OF-SCHOOL CONDUCT

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

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

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

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

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

APPENDIX I

CHSD & State Discipline Code Glossary

CHSD GLOSSARY & STATE DISCIPLINE CODES DEFINED

DUE PROCESS

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

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

Academic Dishonesty *(State Discipline Code 'S')* - 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.

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

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

Alleged Bullying Victim *(State Discipline Code 'D')* - 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.**

Assault Causing Physical Injury *(State Discipline Code 'C')* - 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.

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

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

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

Careless & Reckless Behavior *(State Discipline Code 'S')* - Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.

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

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

Consensual Sexual Misconduct ***(State Discipline Code 'S') -*** 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.

Defiance of School Authority ***(State Discipline Code 'S') -*** 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 deescalate or manage their emotions.

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

Destruction of Property ***(State Discipline Code 'D') -*** Students who damage or deface school property or the personal property of another person. This includes tampering with security, medical or fire protective equipment.

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

District *- The Cape Henlopen School District.*

Distribution of Alcohol and/or Drugs ***(State Discipline Code 'C') -*** 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.

Disruptive Behavior ***(State Discipline Code 'S') -*** Students who intentionally disrupt the school environment by not following expectations and/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.

Dress Code Violation ***(State Discipline Code 'S') -*** 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.

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

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

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

Exposure ***(State Discipline Code 'D') -*** Students who expose their genitals, breasts, or buttocks to another person.

Falsely Signing and Impersonating ***(State Discipline Code 'S') -*** 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 ***(State Discipline Code 'D') -*** 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 ***(State Discipline Code 'D') -*** 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.

Hate Speech/Conduct ***(State Discipline Code 'D') -*** 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.

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

Inappropriate Language and Gestures ***(State Discipline Code 'S') -*** 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 - Employee Victim ***(State Discipline Code 'D') -*** 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.

Inappropriate Touch - Student Victim ***(State Discipline Code 'D') -*** 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.

Instigation ***(State Discipline Code 'S') -*** Students incite aggressive or physical conflict between two or more students that resulted in a confrontation without directly participating in the confrontation.

Leaving School Grounds Without Permission ***(State Discipline Code 'S') -*** Leaving the school building or the school grounds during school hours without required staff permission.

Loitering ***(State Discipline Code 'S') -*** 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.

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

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

Misuse of Technology ***(State Discipline Code 'S') -*** 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 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.

Mutual Group Fight ***(State Discipline Code 'D') -*** 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.

NCAA *- National Collegiate Athletic Association*

Other School Crime ***(State Discipline Code 'C') -*** 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 - 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 and/or Production of Pornography ***(State Discipline Code 'D') -*** 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).

Possession and/or Use of Alcohol and/or Drugs ***(State Discipline Code 'C') -*** 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.

Possession and/or Use of Dangerous Instrument ***(State Discipline Code 'D') -*** 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.

Possession and/or Use of Deadly Weapons ***(State Discipline Code 'C') -*** 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.

Possession and/or Use of Explosive Devices ***(State Discipline Code 'C') -*** Students who are found to be in possession and/or use incendiary devices such as fireworks, firecrackers, pipe bombs and/or other explosives in the school environment.

Possession and/or Use of Firearms ***(State Discipline Code 'C') -*** 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.

Possession and/or Use or Nonprescription and/or Prescription Medications ***(State Discipline Code 'D') -*** 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.

Possession and/or Use of Tobacco or Electronic Smoking Devices ***(State Discipline Code 'D') -*** Students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes, butis not limited to products containing tobacco, electronic cigarettes and any vape device.

Rape ***(State Discipline Code 'C') -*** 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.

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

Robbery ***(State Discipline Code 'C') -*** 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.

Safety Violation ***(State Discipline Code 'S') -*** Students who engage in any behavior that is not appropriate for school and has the potential to put the students or others in danger.

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

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

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

Sexual Assault ***(State Discipline Code 'C') -*** 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).

Skipping/Leaving Class ***(State Discipline Code 'S') -*** Absence from school or class without authorization or permission and/or leaving the assigned classroom without permission.

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

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

Tardiness to School and Class ***(State Discipline Code 'S') -*** Unexcused lateness to school or class without authorization or permission.

Teen Dating Violence ***(State Discipline Code - No Code') -*** 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.

Theft (Less Than $1500) ***(State Discipline Code 'S') -*** Students who take, obtain, or intentionally have possession of school property or the personal property of another person(s).

Theft ($1500 or More) ***(State Discipline Code 'D') -*** Students who take school property or the personal property of another person(s).

Threat of Physical Attack With a Weapon ***(State Discipline Code 'C') -*** 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 a Weapon ***(State Discipline Code 'D') -*** 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 ***(State Discipline Code 'C') -*** 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 weapon for threats against people.

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

Unauthorized Use of an Electronic Device ***(State Discipline Code 'S') -*** Students who engage in non-educational activities in the school environment, including but not limited to 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.

Unsafe Item ***(State Discipline Code 'S') -*** Any item, device or substance that may be deemed disruptive and/or is used for a purpose in which it was not intended.

APPENDIX II

CHSD Policy on Possession of Firearms

CHSD POLICY ON POSSESSION OF FIREARMS

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

APPENDIX III

CHSD Drug & Alcohol Policy

CHSD DRUG & ALCOHOL POLICY

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

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

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

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

Therefore, the following rules and regulations have been developed:

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

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

2. Discipline shall be in accordance with due process rights and on the evidence presented by the administration. The student may be expelled for a term not to exceed one (1) calendar year from the date of the decision. The District will assist the family in exploring alternative educational options for the student upon the request of the student and/or their parent/guardian. Students desiring credit for alternative education courses toward a high school diploma must have prior approval from the Cape Henlopen School District.

3. All violations of this policy are to be immediately reported to the school Principal who will verbally notify the student's parent(s)/guardian(s) of the investigation. In all cases, the local law enforcement and/or Delaware State Police will also be contacted. At all times the student's due process rights and confidentiality rights are to be respected but after an informal meeting with the student, the Principal has the authority to suspend the student for up to ten (10) school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(s)/guardian(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the District Office (To the Administrator Designee/Superintendent)

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

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

5. Students are responsible for their own actions. Students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student's actions in accordance with this policy.

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

    a. Those prescribed to a student by a licensed provider, or

    b. Those which can be purchased over the counter for which the student has written permission from his/her parent or guardian

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

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

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

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

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

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

NON-CONTROLLED SUBSTANCES

The act of possessing or transferring a drug-like or look-alike substance (includes all substances which fall under the definition set forth in the Uniform Controlled Substance Act 16 Del. D. 4701 et seq.) shall constitute intent to use, possess, or distribute if any of the following conditions is present:

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

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

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

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

APPENDIX IV

Additional Information

ADDITIONAL INFORMATION

HALL PASSES

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

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

LUNCHROOM GUIDELINES

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

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

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

DRESS CODE - VISUAL

