

**2017  
2018**

**RED CLAY CONSOLIDATED SCHOOL DISTRICT**

**STUDENT  
CODE OF  
CONDUCT**

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#### EDITORIAL NOTE

The term "parent," as used in this document, is meant to include a natural parent, stepparent, parent by adoption, legal guardian, or other person who has custody or control of the student.

"District" and "RCCSD" refer to the Red Clay Consolidated School District.

"SBR" refers to Student Behavior Referral Form.

"SRO" refers to School Resource Officer.

## CHAPTER I. INTRODUCTION

The Red Clay Consolidated School District is dedicated to the development of each student's potential for learning in a positive environment. Schools are to be free from disruptions that interfere with teaching and learning activities. Students, parents, and school staff will assume a responsible role in promoting behavior that encourages learning and the development of individual potential.

Students, parents, and staff are responsible for becoming knowledgeable of the entire contents of this document.

The Red Clay Consolidated School District Board of Education has adopted "Student Behavior Standards." All students will receive Behavior Remarks 01 (Exceeds Behavior Standards), 02 (Meets Behavior Standards), 03 (Approaching Behavior Standards), or 04 (Does Not Meet Behavioral Standards) in all subject areas on their report cards.

### STUDENT BEHAVIOR STANDARDS

Red Clay Consolidated School District schools are positive learning environments where students:

1. assume responsibility for their own actions,
2. respect and believe in themselves and others,
3. demonstrate the ability to get along with others,
4. understand and respect individual differences,
5. obey rules and laws, and understand the consequences of their choices, and
6. demonstrate the importance of being generous, kind, and helpful.

### WHAT IS THE STUDENT CODE OF STUDENT?

The Student Code of Conduct is an official declaration of the Red Clay Consolidated School District Board of Education which:

1. describes a positive school environment,
2. specifies the rights and responsibilities of students,
3. defines the attendance policy,
4. safeguards the rights of students,
5. defines conduct that disrupts a positive environment, and
6. standardizes procedures for disciplinary action.

Provisions in the Student Code of Conduct apply to all students in grades K-12. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. All students have a greater responsibility for their actions as they increase in age.

**WHEN IS THE STUDENT CODE OF CONDUCT IN FORCE?**

The Student Code of Conduct is in force:

1. on school property prior to, during, and following regular school hours,
2. while students are on the school bus for any purpose,
3. at all school-sponsored events and other activities where school administrators have jurisdiction over students, and
4. off campus
  - a. The Red Clay Consolidated School District has the authority to suspend or expel its students for activities occurring off of school premises when it is determined that the student presents a threat to the safety or welfare of Red Clay Consolidated School District students or personnel.
  - b. The receipt of an Attorney General's notice that a student has been arrested for a crime that may jeopardize the safety or welfare of students is sufficient evidence to warrant the initiation of the Process to Determine Appropriate Disciplinary Action.

Any student who actively hinders an investigation or any student who aids, is involved with the planning, or helps another student in any way in an act which violates the Student Code of Conduct may be subject to disciplinary action.

Additionally, the school administrator is authorized to take disciplinary action when a student's misconduct to and from school has a harmful effect on the other students or on the orderly educational process.

**WHAT IS A GOOD SCHOOL ENVIRONMENT?**

A good school environment is best described as:

1. having a positive and safe environment,
2. providing full educational opportunities,
3. improving behavior is the primary goal in discipline,
4. protecting students from behavior which threatens their health/ safety or which interferes with learning, and
5. providing an environment free of drugs, weapons, and harassment.

**WHO ESTABLISHES A GOOD SCHOOL ENVIRONMENT?**

All stakeholders are responsible for contributing to a good school environment by reviewing and observing the rules and regulations which govern our school community. The Student Code of Conduct recognizes the need for a cooperative relationship among students, parents, and school personnel. This relationship is most productive when:

**Students**

1. attend all classes daily and on time
2. are prepared for class assignments and activities
3. come to class with appropriate working materials
4. respect all persons and property
5. refrain from abusive language and inflammatory actions
6. conduct themselves in a safe and responsible manner
7. are healthy, clean, and neat
8. are responsible for their own work
9. abide by the rules and regulations set forth by the district, school, and individual classroom teacher

**Parents**

1. keep in contact with the school concerning their child's progress and conduct
2. ensure that their child attends school daily and on-time
3. provide proper immunization as required by state law
4. provide their child with resources needed to complete classwork and homework
5. assist their child in being healthy, neat, and clean
6. refrain from abusive language and/or inflammatory actions
7. bring to the attention of school authorities any problem or condition which affects their child or others
8. discuss report cards, work assignments, and data provided in HAC with their child
9. maintain up-to-date contact information including emergency contacts
10. seek assistance from school personnel in an appropriate and respectful manner

**School Personnel**

1. attend regularly and on-time
2. perform their duties with appropriate working materials.
3. respect all persons and property
4. refrain from abusive language and/or inflammatory actions
5. conduct themselves in a safe and responsible manner
6. maintain a professional appearance
7. abide by the rules and regulations set forth by the school district and this Code
8. seek assistance in an appropriate and respectful manner
9. maintain an atmosphere which encourages positive and appropriate behavior
10. establish and maintain professional working relationships
11. encourage use of community/school services as needed
12. encourage parents to keep in regular communication with the school
13. provide opportunities for parent participation
14. encourage and maintain the involvement of students in the operation of the school
15. encourage community involvement
16. communicate with parents, students, and other employees professionally

**DEFINITIONS OF TERMS FOR DRUG AND ALCOHOL VIOLATIONS**

The following definitions shall apply to the Policy for the Red Clay Consolidated School District on the Possession, Use, or Distribution of Drugs and Alcohol.

**Alcohol:** Alcohol or any other alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine, and beer.

**Distribute, Distributing, or Distribution:** The transfer or attempted transfer of alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.

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

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

**Drug Paraphernalia:** All equipment, products and materials as defined in Section 4701 of Title 16 of the Del. Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.

**Expulsion:** The exclusion of a student from his or her regular school program for a period determined by the Red Clay Consolidated School District not to exceed 180 school days. A student who is expelled shall be denied attendance at any school or facility in the Red Clay Consolidated School District except students who have been expelled from their regular school program and are placed in an alternative school/program housed in a Red Clay Consolidated School District school or facility.

**Look-Alike Substance:** Any non-controlled substance that is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is a drug or non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See 16 Del. Code Sec. 4752A.

**Non-Prescription Medication:** Any over-the-counter medication; some of these medications may be drug-like substance.

**Possess, Possessing or Possession:** A student has on the student's person, in the student's belongings, or under the student's reasonable control by placement of and knowledge of the whereabouts of, alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia.

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

**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 activities held on and off school grounds, on field trips, and at functions held at the school in the evening.

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

**DEFINITIONS OF TERMS FOR DISCIPLINARY ACTION**

**Behavioral Contract:** A written agreement among a student, the student's parent, and an administrator, which specifically states the conditions that, unless met, will result in further disciplinary action and possibly a recommendation for expulsion/ due process.

**Denial of Bus Transportation:** The temporary or permanent loss of bus transportation for failure to follow the Bus Safety Rules and bus regulations. A school administrator or designee is responsible for issuing bus suspensions. During the denial of school bus transportation, parents are responsible for transporting the student to school.

**Denial of Driving Privileges:** The denial of driving privileges is the removal of permission to drive on school property for a specified time.

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

**Disciplinary Probation:** A condition whereby a student must fulfill specific commitments and/or be denied certain privileges until behavior improves.

**Due Process to Determine Appropriate Disciplinary Action:** A formal discipline hearing held at the district level by the Superintendent or designee. These hearings are held when a student commits an offense or offenses that may result in expulsion.

**Exclusion:** Including but not limited to temporary removal from a school event or activity (e.g., sporting events, school activities, club participation).

**Expulsion:** The exclusion of a student from his/her regular school program for a period determined by the Red Clay Consolidated School District not to exceed 180 school days. A student who is expelled shall be denied attendance at any school or facility in the Red Clay Consolidated School District except students who have been expelled from their regular school program and are placed in an alternative school/program housed in a Red Clay Consolidated School District school or facility.

**In-School Alternative:** The temporary placement of a student to supervised area.

**Parent Conference:** A formal discussion in-person or by phone as determined by administration/designee.

**Parent Contact:** A verbal and/or written communication with a parent.

**Readmission Conference:** A required conference in conjunction with each suspension in a format mutually agreeable to the administration and parent.

**Referral to Agencies:** A recommendation for a student to seek help from a public or private agency.

**Referral to Alternative Program:** A recommendation of a student to be placed in a program outside of the school setting.

**Referral to Police:** Reporting of an alleged illegal act to a law enforcement agency.

**Referral to the Courts:** A filing of an alleged illegal action with the court having jurisdiction.

**Removal from Class:** The removal of a student from class for a period of time when the student's conduct is disruptive and reasonable efforts to resolve were unsuccessful. The student must be sent to a supervised area designated by the administrator.

**Reprimand:** A verbal or written warning of unacceptable behavior.

**Restitution/Restoration:** The payment for and/or restoring of property or articles that have been stolen/damaged.

**School/ Agency Counseling:** A process which takes place in a one-to-one or a small group setting between student(s) and a qualified professional(s).

**Suspension:** The temporary removal of a student from school and/or activities for a period of time.

**Work Assignment:** An assigned task that must be completed by the student.

## CHAPTER II. STUDENT RIGHTS AND RESPONSIBILITIES

With every school, the principal has the responsibility and authority for maintaining an orderly educational process. The Red Clay Consolidated School District guarantees students' rights allowed by state and federal laws and the rules and regulations of the State Board of Education.

The Red Clay Consolidated School District Board of Education recognizes and supports students' rights and the corresponding student's' responsibilities.

Nowhere is it stated or implied in this document that the school should give up its authority and responsibility.

### ATTENDANCE

School administrators have an obligation under State Law to enforce compulsory school attendance laws. Students have an obligation to take advantage of the opportunity for a public school education.

Students have the right:

1. To school policies that clearly defines legal absence, unexcused absence, and tardiness.
2. To appeal a decision concerning an absence (excused or unexcused) and shall not be penalized in any way for excused absences. Participation in a school-approved activity shall be considered an excused absence.
3. Where feasible, to make up assignments missed during any excused absence, according to the school district regulations concerning makeup assignments following an absence.

Students have the responsibility:

1. To take advantage of their educational opportunities by attending all classes daily and on time.
2. To provide the school with a note explaining the reason for an absence.
3. To request the makeup assignments from their teachers upon return to school and to complete the work within the length of time specified in the district's attendance regulations.

### COMMUNICATION DEVICES

The Red Clay Consolidated School District acknowledges that electronic communication devices such as cell phones are increasingly common and provide students and their families with a sense of security and safety through immediate and direct communication. However, use of cell phones during the school day disrupts the educational process. In addition, use of cell phones during fire drills, or in the case of an emergency, may create dangerous situations by disseminating misinformation or interrupting administrative procedures. Students are expected to adhere to their school's policy in regards to electronic devices.

Cell phones and other electronic devices are personal property, and students are urged to take precautions to guard against loss or theft. The Red Clay Consolidated School District is not responsible for the loss or theft of students' property.

## **CONSULTATION**

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Schools have the responsibility to notify parents and/or students of available counseling services within the school setting and to inform parents and students of the services of other agencies.

Students have the right:

1. To be informed accurately as to the nature of the guidance services available in their school and/or community.
2. To appropriate counseling for personal and educational problems. Access to consultation services within a reasonable amount of time should be assured.

Students have the responsibility:

1. To use counseling services for their educational and personal development, where appropriate and available.
2. To schedule appointments in advance unless the problem or concern is of an emergency nature. Parents and students have the responsibility of informing the school of information that may be useful in making intelligent educational decisions.

## **CURRICULUM**

Students have the right:

1. To have access to clear and precise curriculum descriptions that will help them to make informed choices.
2. To participate in available programs that are appropriate to their individual needs at all grade levels.
3. To study all subjects in an atmosphere free from bias and prejudice.
4. Within their level of maturity and within the scope of their course, to study any issue which relates to the course; and they have the right of access to all available information that relates to the issue.
5. Equal access to any available extra-curricular activity corresponding to their interests and abilities.

Students have the responsibility:

1. To seek clarification, if necessary, from the informed persons in the school.
2. To strive for mastery of skills by participating in available programs.
3. To contribute toward the development of a positive climate in the school.
4. To respect the rights of other individuals who have different viewpoints and to become informed about issues being studied.
5. To explore any available extra-curricular activity which corresponds to their abilities and interests.

## **FREE SPEECH/EXPRESSION**

One of the basic purposes of schools is to prepare students for responsible self-expression in our society. Self-expression is permitted under the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution. Students may inquire, question, and exchange ideas. Self-expression must not interrupt the orderly educational process of the

school or be in violation of the Student Code of Conduct. Free expression must not be obscene, libelous, or disruptive.

Students have the right:

1. To participate in patriotic activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deep personal convictions. Students who do not wish to participate in patriotic activities shall not be forced to do so.
2. To request in writing to be excused from any activity which is against their religious beliefs.
3. To petition and survey student opinions by following established procedures.
4. To express their own opinions on issues in a reasonable manner.
5. To assemble peaceably on school property at a time and place designated by the principal. This right will be denied if it endangers the health or safety of others, damages property, or disrupts the educational activities of others.

Students have the responsibility:

1. To act in a respectful manner during patriotic activities whether participating or not.
2. To inform the school of activities which are in conflict with their religious beliefs.
3. To make reasonable requests to conduct surveys and petitions. The results obtained must be reported accurately.
4. To be well informed about issues and to express their opinions in a reasonable manner at a reasonable place and time.
5. To plan, get approval, and hold activities that are based upon educational objectives.

## **GRADES**

Grades are one indicator of the student's demonstrated knowledge or skill at a particular time. A student's grades should reflect the teacher's best assessment of the student's academic achievement.

Students have the right:

1. To receive a written copy of a teacher's grading systems at the beginning of each course.
2. To receive an academic grade that is based on the district's grading system that reflects the student's academic achievement.
3. To be given appropriate notice of when assignments are due.
4. To receive written notification of unsatisfactory progress at any time during the marking period.
5. Not to have grades used as a disciplinary tool. A student who engages in academic dishonesty (e.g., cheating, plagiarism, copyright infringements) will receive no credit for the assignment.

Students have the responsibility:

1. To ask for an explanation of a grading system which they do not understand.
2. To maintain standards of academic performance according to their abilities and to ask for explanations of grades which they do not understand.
3. To present assignments when due.

## **GRIEVANCE PROCEDURES**

When a student feels unfairly treated or has not been afforded due process, a grievance may be filed. Schools are responsible for providing a means for students to express and resolve their grievances.

Students have the right:

1. To a procedure for expressing and resolving their grievances. This procedure specifies lines of communication, time lines, and a method of appeal.
2. To participate in the evaluation of and suggest modification to the grievance procedures through student government or any recognized school group.

Students have the responsibility:

1. To discuss and to try to resolve their complaints with the person(s) involved before using the grievance procedure.
2. To state the grievance clearly, to follow the established procedures for resolving the grievance, and to abide by the decision that comes as a result of this process.

## **MARRIAGE, PREGNANCY AND PARENTHOOD**

Students who are married, expectant parents or parents do not lose their right to a free public education. Students are encouraged to continue their education through programs designed to meet their special needs.

Students have the right:

1. To remain in the regular school program or to attend a special program designed to meet their needs.
2. To be referred to a marriage, pregnancy, or parenthood agency for counseling if they request it.

Students have the responsibility:

1. To attend school regularly or to take advantage of special programs designed to meet their needs. Students who are pregnant should seek professional medical advice regarding school attendance.
2. To request counseling for marriage, pregnancy, or parenthood.

## **PUBLICATIONS**

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

Principals will suppress or recall literature that they consider primarily commercial in nature, or material that could disrupt the orderly operation of the school.

Students have the right:

1. To possess, post, and distribute literature that will not disrupt the school program and which follows the district's guidelines for responsible journalism.
2. To be free from censorship of their publications within the guidelines previously agreed upon by students and administrators.

Students have the responsibility:

1. To use only those bulletin boards or wall areas assigned for use by students and student organizations. Students must also accept responsibility for the effect that the posting, publication, or distribution of this literature might have on the normal activities of the school.
2. To refrain from publishing libelous and obscene materials; to seek full information on the topics about which they write; to observe acceptable standards of good taste; and to observe the normal rules for responsible journalism.

### **SCHOOL CLIMATE / ENVIRONMENT**

A good school environment is free from distractions, frictions, disturbances, drugs, weapons, and harassment. It is also the presence of a friendly, yet businesslike, atmosphere in which students and school personnel work cooperatively toward recognized and acceptable goals.

Students have the right:

1. To have a safe and positive school environment.
2. To attend classes without distractions, frictions, and disturbances.
3. To attend a school free of drugs and weapons.
4. To attend a school free of harassment

Students have the responsibility:

1. To conduct themselves in a safe and responsible manner.
2. To abide by the rules and regulations set forth by the school and classroom teacher.
3. To refrain from possessing, carrying, or using illegal drugs and/or weapons.
4. To respect all persons as individuals who have rights.

### **SEARCH AND SEIZURE**

Students shall be free from unreasonable search and seizure of property as guaranteed by the 4th Amendment of the U. S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School lockers are school property and may be subjected to search at any time, with or without reasonable suspicion.

Students have the right:

1. To privacy in their personal possessions unless the principal or his/her designee has reasonable cause to believe that illegal, harmful or non-school related items, such as, but not limited to,

electronic or communication devices that are being used to disrupt the educational process or endanger the health, safety, or welfare of others.

Students have the responsibility:

1. To not carry or conceal any materials that are illegal and that may disrupt the educational process, or endanger the health, safety, or welfare of others. Students are responsible for the contents of their lockers.

## STUDENT DRESS CODE

The following regulations shall govern the dress and grooming of students in all grades. Student dress may vary with instructional activities and special events when announced by the principal.

1. Appropriate and safe footwear must be worn at all times. Specifically, house slippers are not appropriate in school or at school functions.
2. Hats, headbands, head coverings, and ear coverings are not to be worn in the building during school hours.
3. Any garments deemed inappropriately tight, short, or revealing (e.g., mesh tops, midriff tops, tank tops, tube tops, short shorts) are prohibited during school hours.
4. Any attire that is disruptive to the educational process is prohibited. Attire that is unsafe, unhealthy, offensive to generally accepted standards, or obscene is not to be worn. Decals, slogans, or pictures that contain references to illegal substances (e.g., alcohol, drugs) or immoral behavior are not allowed.
5. Removal of accessories (e.g., jewelry, dangling scarves.) during shop, physical education or lab is required for safety.
6. Items not specifically covered in the above-listed regulations will be at the discretion and good judgment of the principal.
7. Pants worn in a "Sag and Drag" fashion (pants worn below the waist to the extent that the underwear and/or skin is/could be exposed) are not permitted in school or at school functions.

## STUDENT GOVERNMENT

The student government is a means for providing students with an opportunity to express themselves and to act on school matters through the democratic process. All members of the school community share the responsibility for helping the student government. Students should be given the opportunity to participate in those decisions that affect the learning climate of the school. So that the student government can function as an informed organization, School Board policies and individual school policies should be made available.

Students have the right:

1. To form and operate a student government within their particular school under the direction of a faculty advisor. This right shall be carried out within the guidelines and practices recommended by the National and State Student Government Associations, and within the rules and regulations of the school district.
2. To recommend members of the faculty to serve as sponsors for their school's government

organization.

3. To seek office in student government regardless of race, gender identity, sex, color, creed, political beliefs, or academic standing.
4. To attend official student government meetings as student government officers and representatives in accordance with school regulations.

Students have the responsibility:

1. To work, as members of the student government, on the needs and concerns expressed by the student body.
2. To get the prior consent of any faculty member recommended.
3. To conduct election campaigns in a positive, mature manner with all due respect provided other candidates.
4. To participate regularly and to conduct themselves in an appropriate manner; to demonstrate positive leadership in school government, and to operate within district and school regulations.

## STUDENT RECORDS

Student records are defined as any materials concerning individual students kept in any form by the School Board or its employees, except for personal notes of teachers and other school personnel intended for their use only. Student records are maintained to provide information that can be used to develop the best possible educational program for each student. To be FERPA compliant, care must be exercised by the school staff to make sure that student records are treated confidentially and that the information contained therein is accurate and appropriate.

Students have the right:

1. To release, inspect, review, and challenge the information contained in the student's records within district guidelines for students who are 18 years of age or older and parents of students who are under 18 years of age. The school personnel shall provide assistance to students and parents to help them understand the material in the record. This access may not be denied because of failure to pay fines or fees.
2. To be protected from the release of personally identifiable information to unauthorized persons.

Students have the responsibility:

1. Eligible students and parents have the responsibility to give school personnel ample notice that they want to inspect and review their records. Eligible students and parents have the responsibility to meet their financial obligations as it relates to school fees or fines.
2. Eligible students and parents or guardians have the responsibility to release information to those individuals or agencies that are working in a positive manner for the benefit of the student. The permission to release information, where required, must be in writing.

## CHAPTER III. SCHOOL ATTENDANCE

### DISTRICT ATTENDANCE POLICY

A student is considered to be absent from school if he/she attends school for less than 50% of the scheduled day. Absences include both excused and unexcused absences. As one of the qualifications for promotion, credit for course work, eligibility for graduation or administrative assignment a student shall not exceed 25 days absent during the school year.

### RECOVERING DAYS ABSENT

A student absent from school may recover the days absent by attending an after-school program, Saturday School (where available), or by participating in an approved supplemental instructional program. Participation in one day of Saturday School shall recover one day's absence. Participation in an after-school program one day shall recover one half day's absence. The principal shall have sole discretion in determining when after-school and Saturday School programs will be offered and/or supplemental programs are appropriate; he shall further determine the content, length, and requirements of such programs. Students who exceed 45 days absent may recover days absent only by completing an approved alternative educational program.

After-school and Saturday School programs provide a supervised setting for students to complete school assignments missed during the absence from school. Students are responsible for requesting missed assignments from their teachers as outlined in the Student Code of Conduct. Students who violate the Student Code of Conduct while attending after school programs and Saturday School may be banned from such programs and are subject to disciplinary action as defined in the Student Code of Conduct. It is the responsibility of the student and parent to monitor school absences and to recover days absent in order to comply with the district's attendance policy.

### NOTICE TO PARENTS

Parents will be sent notice that their child is in violation of the district's attendance policy when their child exceeds 25 days absent. The notice will instruct parents of the requirements for recovering absent days in order to be eligible for credit, promotion, or administrative assignment. When students exceed 45 days absent, parents will be sent notice that their child is in violation of the attendance policy and will be requested to meet with school personnel to collaboratively develop an alternative educational program.

### APPEAL PROCESS

Parents may appeal the attendance procedures by filing a written request to the principal within 10 days of the 25th or 45th day absent. Appeals are limited to the following:

1. The total number of days absent.
2. Days absent were a result of the school related activities.
3. The student was not provided an opportunity to recover time.
4. The days absent were caused by factors beyond the student and parent's control.

The principal will schedule a meeting with parents to hear the appeal. The principal will render a written decision within 10 days of meeting.

Parents may appeal the principal's decision by submitting a written request to the Director of School Operations within 10 days of the principal's decision. The Director will review both the parent and principal's documentation and render a written decision within 10 days of the request for an appeal. The Director's decision will be final.

## **DEFINITIONS**

Every parent, guardian, or other person having control of a child between the ages of 5 and 16 is required to send such child to school. School attendance is mandated by statute and by-laws and regulations of the State Board of Education. A written note from an appropriate individual, such as a student's parent or physician, must verify all absences.

The chief school officer of the local school district is responsible for enforcing the attendance laws of the state and is the person who may excuse a child for necessary and legal absence, subject to the provisions of the Delaware Code (Title 14, Chapter 27). Excuses recognized as valid for "necessary and legal absences" are:

1. Illness or pregnancy of pupil, if necessary attested by a physician's certificate. \*Title 9 Education Act of 1972
2. Contagious disease within the home of a pupil.
3. Critical illness and/or death in the family or of a friend.
4. Legal business.
5. Observance of a religious holiday.
6. Remedial health treatment.
7. Pre-arranged absence to visit a college or university or to participate in other educational experiences, including emergency situations as determined by the school principal.
8. Suspension or expulsion from school or class.

The school, in administering the state policy, defines the most commonly used attendance terms as follows:

## **EXCUSED ABSENCE**

An excused absence from school or class is an absence for one of the reasons listed above and for which the required parental note of explanation has been presented on the first or second day of the student's return to school or class. Any absence documented on the letterhead of a doctor, court, counselor and/or any other professional is to be excused upon submission. If professional documentation to excuse an absence is not provided on the first or second day, the provision of make-up work will be at the discretion of the school administration. Following such an absence the student will be allowed to make up all work missed, to take tests that were missed, and to submit any assignments that became due during the absence. Following an "excused" absence from school or class, the time allowance for taking tests or turning in assignments shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher will support a student following absences and may extend the time allowance for making up work missed should circumstances warrant. The responsibility for initiating makeup work and turning in assignments rests with the student.

**UNEXCUSED ABSENCE**

An unexcused absence from school or class is an absence:

1. which is for a reason not listed as “excused,” or
2. about which the parent has no knowledge, or
3. for which the parent note of explanation was not provided on the student’s first or second day of return to school following the absence.

A student whose absence was unexcused shall receive a failing grade (i.e., zero, “F”, “U”) for all assignments missed or tests given during the period of the unexcused absence.

While an unexcused absence shall result in a failing grade for all assignments due or tests missed, other instructional materials or assignments missed during the absence may, where feasible, be obtained at the initiation of the student. Following an unexcused absence from school or class, the time allowance for requesting the instructional materials or assignments from the teacher shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend this time allowance if the specific circumstances of the situation merit such action.

**PRE-ARRANGED ABSENCE**

A pre-arranged absence is a student’s absence from school for one or more days to visit a college or university or for other educational activities approved by the principal. The absence should be pre-arranged by writing the principal, giving the full particulars of the absence. Approval for such absences should be sought, where practical, at least one (1) week prior to the date on which the absence is to occur. Upon the development of a plan by student and teacher for making up the assignments to be missed, the principal may then define the absence as “excused.”

**LATENESS TO CLASS**

All students must follow building guidelines.

**TARDINESS TO SCHOOL**

All students must follow building guidelines. All students are expected to be punctual to school. Students who arrive at their first assignment (usually homeroom period) after the start of school are tardy. A student who is late to school should present a written explanation for the tardiness. Students who do not attend at least half of the periods on a given day will be marked absent for the day. Students absent from school may not participate in after school activities.

Students should recognize that a written explanation from home does not automatically cause the tardy to be “excused.” While understandable, reasons such as car trouble, personal business, heavy traffic, or need at home are not acceptable excuses and will be listed as unexcused.

Reasons such as personal illness, medical appointments, and appearances in court will be considered as excused tardiness when verified by a note from a parent/guardian. All notes must include a parent/guardian signature and a working contact number.

**TRUANT**

A child is considered truant if such child is absent from school without a valid excuse for more than three (3) days or an unreasonable amount of intermittent attendance or tardiness without valid reason. Parents who allow their children to be truant are subject to a fine of up to \$300 and/or imprisonment for up to ten (10) days for the first offense; a fine of up to \$500 and/or imprisonment for up to twenty (20) days for the second offense; and a fine of up to \$1,150 and/or imprisonment for up to thirty (30) days for each subsequent offense.

**ADULT STUDENT**

State law provides that a student reaches legal majority at age 18, however, attendance notes, and other matters pertaining to school activities, must be signed by a parent unless the student is living on his/her own. Proof of residence must be provided.

**EARLY DISMISSALS AT PARENTAL REQUEST**

When a student presents a note from his/her parent/guardian requesting that the student be granted an early dismissal, school authorities must contact the parent/guardian to verify that the request is legitimate. If the parent/guardian cannot be contacted and verification obtained, then the request for early dismissal will be denied. In-person parental requests may be granted.

**EMERGENCY DISMISSALS**

Students, who must leave the building due to an emergency or some other reason that did not permit a pre-arranged absence, must receive approval from the principal or his/her designee. Parent contact should be made if possible. The student is then responsible for completing the sign-out procedure before leaving the building and must present the required parental note of explanation upon his/her return to school.

**HOMEBOUND/SUPPORTIVE SERVICES**

A student who is unable to attend school due to a temporary physical or emotional handicap is eligible for Supportive Instruction. Applications for these services must be processed through the student's school of attendance and approved by the Director of Special Services. In all cases the requests must be substantiated by a physician's statement. (For example, a psychiatrist must substantiate an emotional handicap causing an absence.) Supportive services are short term, but long term services substantiated by renewed physician statements are permitted. Application forms are available in each school building.

Each School shall develop and distribute to each student the procedures that shall be used in implementing this attendance policy.

## CHAPTER IV. SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS

Students and their parents as their representatives, have all the rights given to every citizen by the Fifth and Fourteenth Amendments to the U.S. Constitution. Many of these rights, which pertain specifically to education, are defined in this document. These rights are protected through a procedure called due process. This chapter defines the due process procedures for student grievance, suspension, denial of bus privileges, assignment to alternative programs/schools, and expulsion.

Students and their parents are encouraged to become familiar with these due process procedures.

### STUDENT GRIEVANCE

A grievance is another name for a complaint. A student grievance exists when it's alleged that a student has been unfairly treated or has not been afforded due process. A student grievance must be filed within ten (10) school days from the time of the alleged infraction.

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

1. Students or groups of students
2. Parents or guardians of a student
3. Groups of parents or guardians of students

The grievance procedures may be used in any of the following situations:

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

### GRIEVANCE PROCEDURE

When the grievance procedure is used, these steps shall be followed:

1. The grievant shall request a conference with the teacher or person(s) who allegedly treated the student unfairly. If requested, an administrator or district director may be present.
2. If the conference fails to resolve the issue within ten (10) school days from the date of the alleged incident, the grievant shall file a written grievance with the principal or the designated assistant principal.
3. A grievant wishing to appeal the principal's written decision must file a written appeal with the appropriate district-level administrator no later than five (5) school days from the date of the receipt of the principal's written decision.

4. The appropriate district-level administrator shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall issue a decision, in writing, no later than five (5) school days following the grievance conference.
5. If the grievance decision at the appropriate district administrator's level is not acceptable, the appropriate district-level administrator's decision may be appealed to the Superintendent of Schools or the Superintendent's Designee, such appeal to be filed, in writing, not later than ten (10) school days following the date of receipt of the appropriate district-level administrator's written decision. The Superintendent of Schools shall resolve the grievance by investigating the problem, holding conferences with the involved parties, or reviewing the written grievance record.
6. The decision of the Superintendent of Schools or the Superintendent's Designee, shall be the final decision of the school system. The Superintendent or the Superintendent's Designee shall send a copy of the Superintendent's final decision to all involved parties not later than ten (10) school days following receipt of the appeal.

#### **HARASSMENT POLICY**

The Red Clay Consolidated School District is committed to providing all students with a safe and supportive school environment. Members of the school community are expected to treat each other with mutual respect. Harassment is a form of unlawful discrimination, as well as disrespectful behavior, which will not be tolerated.

It is the policy of Red Clay Consolidated School District to oppose and prohibit, without qualification, harassment of any school employee or student based on race, color, religion (creed), national origin, sex, sexual orientation or disability. Under this policy, all employees and students share responsibility for assuring that the schools are free from all forms of prohibited harassment, including but not limited to sexual harassment.

The Red Clay Consolidated School District shall act to investigate all complaints of harassment, and to discipline or take other appropriate action against any member of the school community who is found to have violated this policy.

#### **Definitions**

Harassment means verbal or physical conduct at school based on a person's race, color, religion (creed), national origin, sex, sexual orientation or disability, and which substantially interferes with a student's education.

Harassment may include:

1. Submission to verbal or physical conduct made as a term or condition of the student's education.
2. Submission to or rejection of such conduct by a student used as a component of the basis for decisions affecting the student's educational experience.
3. Conduct which has the purpose of substantially interfering with a student's education experience or creating an intimidating, hostile or offensive education environment.

It is recognized that this may involve:

1. Harassment of a student(s) by another student(s)
2. Harassment of a student(s) by a staff member(s)
3. Harassment of a staff member(s) by a student(s)

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other intentional verbal or physical conduct of a sexual nature. Such conduct may also include actions by:

1. Members of the student's own sex.
2. Employees or students who threaten or suggest that a student's refusal to submit to sexual advances in any form will adversely affect that student's school experience, performance and/or grades.
3. Employees or students who offer, promise or grant favored treatment to any student as a result of that student's engaging in or agreeing to engage in sexual conduct.
4. Employees or students seeking in any way to make the student's learning process more difficult because of the student's sex or refusal of the student to submit to sexual advances.

### **DEFINITION OF DISCRIMINATION**

This includes the use of race, color, creed, national origin, religion, gender, sex, sexual orientation, or disability as a basis for treating another person in a negative manner.

### **BULLYING POLICY**

The law requires each school district to have a policy that:

1. Forbids Bullying
2. Forbids Retaliation against those who report bullying
3. Defines Bullying:
  - a. Intentional
  - b. Physical, verbal, or electronic
  - c. Towards student, school employee, or school volunteer
  - d. Reasonable person known to effect:
    - i. Reasonable fear...substantial harm...physical, emotional, or to property
    - ii. Pervasiveness, persistence, or power differential makes hostile educational environment
    - iii. Interfering with safe environment for student
    - iv. Coercing others to cause above harms
4. Requires each school district to adopt a school-wide bullying prevention program
5. Requires each school to create a coordinating committee
6. Requires schools to review and supervise non-classroom areas
7. Sets forth reporting requirements and investigative procedures
8. Requires report to DE DOE all confirmed bullying incidents
9. Sets forth appropriate range of consequences for Bullying
10. Sets forth procedures for notification to student/caregiver for information on bullying activity
11. Is implemented all year

### **Reporting Violations of This Policy**

Any member of the school community who believes that unlawful harassment of a student has occurred may inform the building principal of the school to which the student is assigned, or any other designated harassment complaint official. The following are the Red Clay Consolidated School District's harassment complaint officials: Mr. Sam Golder, Director of Secondary Schools, and Dr. Amy Grundy, Director of Elementary Schools, RCCSD Office of School Operations, 1502 Spruce Avenue, Wilmington, DE 19805, 302.552.3753.

If one of the harassment complaint officials is the person alleged to be engaged in the harassment, or if the student or school employee is uncomfortable for any reason with discussing such matters with the individuals designated, or is not satisfied after bringing the matter to the attention of one or more of those individuals, the student or employee may bypass these individuals and instead should report the matter promptly to Dr. Hugh Broomall, Deputy Superintendent, RCCSD, 1502 Spruce Avenue, Wilmington, DE 19805, 302.552.3706, or another high-level official specifically trained in handling such complaints at district level. The Red Clay Consolidated School District will investigate allegations of harassment in as prompt and confidential a manner as possible, and will take appropriate corrective action when warranted. Any employee or student, who is found, as a result of such an investigation, to have engaged in harassment in violation of this policy, will be subjected to appropriate disciplinary action, up to and including termination of employment of an employee or expulsion of a student.

Furthermore, retaliation in any form against an employee or student who exercises his or her right to make a complaint under this policy, or who cooperates in the investigation of any such complaint, is strictly prohibited, and will itself be cause for appropriate disciplinary action.

Any questions regarding this policy should be addressed to the designated harassment complaint officials.

### **SUSPENSION FROM SCHOOL**

Suspension is the temporary removal of student from school and/or activities for a period not to exceed five (5) school days. (Exception: Refer to Drug/Alcohol Policy.) The Superintendent or designee may extend the suspension past the five (5) day period.

Prior to suspension from school, the student shall:

1. be given oral or written notice of the charges and be told who is making these charges or complaints;
2. be given a fair and impartial hearing and have the opportunity to present the student's side of the story;
3. have had prior opportunity to know that the alleged actions were in violation of established rules and regulations;
4. be advised that the suspension may be appealed to the next administrative level.

Generally, the notice and hearing (which the parents should attend, if possible) should precede the student's removal from school. However, if this is not feasible, or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, and/or the educational process, the necessary

notice and hearing, if requested, will follow as soon as practicable.

In all cases of suspension, an attempt shall be made to notify the parents by telephone to request that the student be picked up from school. Students whose parents cannot be reached by telephone will be retained at school until the end of the school day. In all cases of In-school suspension an attempt will be made to contact the parent.

When a student is suspended, written notification of the suspension shall be sent to the parent(s) within 24 hours. The notification shall state the cause and duration of the suspension. A school administrator with the first suspension, and all subsequent suspensions, requires a re-admission conference. Every attempt will be made to schedule a conference at a mutually agreeable time and place. The responsibility for initiating make-up work and turning in assignments rests with the student.

## **EXPULSION**

Expulsion is the exclusion of a student from his/her regular school program for a period to be determined by the Red Clay Consolidated School District, not to exceed 180 school days (one school year).

A student may be expelled for any behavior that is illegal under Delaware or Federal law. This behavior may include attempted crimes, aiding or abetting other criminal acts, or conspiracy to commit crimes. Moreover, bringing a firearm, dangerous weapon or instrument, incendiary device, Molotov cocktail, or bomb (as those terms are defined by Delaware law) to school may subject a student to expulsion. Possession of look-a-like dangerous weapons or instruments which are illegal, as well as truancy, defiance of school authority, disruption of the educational process, fighting, inappropriate sexual behavior, or setting off a false fire alarm are other behaviors which may subject a student to expulsion. This is not an exhaustive list of offenses that may result in expulsion.

### **Duration and Consequences of Expulsion**

1. The length of the expulsion shall be determined by the Red Clay Consolidated School District Board of Education on recommendation from the Superintendent.
2. The parent(s)/guardian(s) of a student who has been expelled for an indefinite period of time may petition the Red Clay Consolidated School District Board of Education for the student's re-admission at the end of 180 school days following the district-level hearing, which resulted in the recommendation of expulsion.
3. A student re-admitted to school after an expulsion shall be on probation for one (1) school year following the date of readmission.
4. A student who is expelled shall be denied attendance at any school or facility in the Red Clay Consolidated School District, except students who have been expelled from their regular school program and are placed by the Red Clay Consolidated School District in an alternative school/program housed in a Red Clay Consolidated School District school or facility.
5. For a student who is expelled, the Delaware Division of Motor Vehicle shall be notified of the beginning and ending date of expulsion as a request for suspension of driving privileges in accordance with 14 Del.C. §4130(e)(1).

## UNIFORM DEFINITIONS FOR STUDENT CONDUCT

The following definitions shall be used whenever a school district or charter school uses such conduct as a basis for alternative placement or expulsion of a student:

**Arson:** A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.

**Assault III:** (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

**Attorney General's Report (Juvenile Arrest Warrant and Complaint):** The Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.

**Breaking and Entering:** Unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.

**Bullying:** Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

**Criminal Drug Offense, Commission of:** The Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug, a Drug-Like Substance, and/or Drug Paraphernalia.

**Criminal Deadly Weapons/Dangerous Instrument, Possession of:** The Commission by a student of an offense prohibited by 11 Del.C. §§1442-1458 inclusive. *11 Del. C. §1457(j)(5). § 1457 Possession of a weapon in a Safe School and Recreation Zone; class D, E, or F felony; class A or B misdemeanor.* (j) The penalty for possession of a weapon in a Safe School and Recreation Zone shall be: (5) In the event that an elementary or secondary school student possesses a firearm or other deadly weapon in a Safe School and Recreation Zone in addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter school board of directors for a period of not less than 180 days unless otherwise provided for in federal or state law. The local school board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.

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

**Criminal Sexual Offense, Commission of:** The Commission by a student of an offense prohibited by 11 Del.C. §§763 through780, inclusive, or §§1108 through112A, inclusive, or §1352(2) or §1353.

**Criminal Violent Felony Offense, Commission of:** The Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).

**Cyberbullying:** The use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

**Dangerous Instrument(s), Possession, Concealment, Sale of:** The unauthorized Possession/ concealment/ sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.

**Deadly Weapon(s), Possession, Concealment, Sale of:** The Possession, concealment, or sale of a Deadly Weapon in the School Environment.

**Defiance of School Authority:** (1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.

**Disorderly Conduct:** Conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.

**Drugs and/or Alcohol and/or Drug Paraphernalia, Distribution of:** The sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs or Alcohol.

**Drug and/or Alcohol and/or Drug Paraphernalia, Use and/or Possession of:** In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

**Extortion:** To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.

**Felony Theft (\$1,500 or more):** (1) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (2) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1,500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.

**Fighting:** Any aggressive physical altercation between two or more individuals.

**Gambling:** Participation in games of chance for money or other things of value.

**Harassment:** Any actions or statements made with the intent to harass, annoy, or alarm another person which: (1) insults, taunts, or challenges the other person, or (2) is a cause of alarming or distressing conduct which serves no legitimate purpose and is done in a manner which the actor knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

**Inhalant Abuse:** Chemical vapors that are inhaled for their mind-altering effects.

**Medications, Inappropriate Use or Possession of:** Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.

**Misuse of Technology:** (1) The use of school technology equipment in: (a) Soliciting, using, receiving or sending pornographic or obscene material; or (b) Accessing unauthorized email; or (2) The unauthorized downloading and/or installing of files; or (3) Intentionally damaging technology equipment in the School Environment; or (4) A situation in which a student deliberately: (a) Tamper with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or (b) In any way disrupts or degrades the school or Red Clay Consolidated School District's technology infrastructure.

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

**Pornography:** The Possession, sharing, or production of any known obscene material in the School Environment.

**Rape or Attempted Rape:** Shall respectively mean sexual intercourse and attempted sexual intercourse without consent of the victim in both cases.

**Reckless Burning:** When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.

**Repeated Violations of Student Code of Conduct:** Five or more violations of the Student Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.

**Sexual Assault:** Any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761(f) of Title 11; Sexual Intercourse as defined in §761(g) of Title 11; sexual penetration as defined in §761(i) of Title 11; and child sexual abuse as defined in §901 of Title 10.

**Sexual Misconduct:** A consensual sexual act(s) between two individuals within the School Environment.

**Stealing:** Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.

**Steroids, Possession and/or Use of:** The unlawful Possession or Use of steroids.

**Tampering with Public Records:** A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.

**Teen Dating Violence:** Assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. §1312 that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

**Terroristic Threatening:** When: (1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.

**Terroristic Threatening, Security Threat:** When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.

**Unlawful Sexual Contact III:** When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.

**Violation of Behavior Contract:** The failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.

## APPROPRIATE DISCIPLINARY ACTION FOR STUDENTS WITHOUT DISABILITIES

A “student with a disability” refers to a student eligible for special education or related services under the Individuals with Disabilities Act (IDEA) or a “handicapped student” as defined by Section 504 of the Rehabilitation Act of 1973. If a student’s parent or guardian has requested that he/she be evaluated for eligibility, and the evaluation has not yet been performed, consult the RCCSD Office of Student Services regarding any proposed discipline.

### School Level

1. When a student allegedly commits a violation of the Student Code of Conduct that may, in the school administration’s judgment, result in a recommendation for Due Process to Determine Appropriate Disciplinary Action, the school’s principal shall cause an investigation to be made of the incident. If, after reviewing the findings of the investigation, the principal determines that the nature and seriousness of the offense may warrant initiation of Due Process to Determine Appropriate Disciplinary Action, the principal shall suspend the student for a period of ten (10) school days. The principal or his/her designee shall hold conference with the student and the student’s parent(s)/guardian(s), in order to inform them whether the principal is recommending initiation of Due Process to Determine Appropriate Disciplinary Action, and to explain the reasons for the recommendation.

If the principal decides that disciplinary action in the form of a recommendation for expulsion will be made, he/she will submit a written recommendation for process to determine appropriate disciplinary action with a report containing all relative and supporting data for the recommendation, to the appropriate district-level administrator within two (2) business days following the date of the principal’s conference or seven (7) business days of the incident, whichever is sooner. The student will be excluded from school until appropriate disciplinary action has been determined.

### Initial Due Process (Title 14 Education, Del. Administrative Code, Discipline and School Climate, 616, 4.1–4.3)

4.1 A student shall be afforded initial due process rights for discipline procedures which result in the removal of the student for one day or more from the Regular School Program due to a violation of the school’s Student Code of Conduct.

4.1.1 Prior to any removal of one day or more from the Regular School Program due to a violation of the school’s Student Code of Conduct:

4.1.1.1 The student had prior opportunity to be informed in accordance with the established Student Code of Conduct rules and/or regulations.

4.1.1.2 The administrator/designee shall inform, orally or in writing, the student of the allegation(s) against him/her, the conduct which forms the basis of the allegation(s), and the policy, rule, or regulation violated.

4.1.1.3 The student shall be given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence.

## 4.2 Due Process Delay Provision

4.2.1 A student whose presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal, may be immediately removed from school provided that, as soon as practicable thereafter, the initial due process procedures outlined in subsection 4.1 of this regulation are followed.

4.3 In addition to the initial due process rights, a student who is recommended for Alternative Placement or Expulsion shall receive applicable additional due process rights as outlined in Sections 7.0, 10.0, and 11.0 of this regulation.

Title 14 Education, Delaware Administrative Code, 600, Discipline and School Climate, 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion is available at <http://regulations.delaware.gov/AdminCode>.

### District Level

1. After receipt of the principal's recommendation for Due Process to Determine Appropriate Disciplinary Action, the appropriate district-level administrator will forward the recommendation to the Superintendent.
2. Within ten (10) business days of the date of the incident, the parent(s)/guardian(s) will receive written notice by regular mail U.S. and certified mail of the circumstances which led to the recommendation for the district-level hearing, date, time, and location for a formal hearing on the principal's recommendation to conduct a hearing to Determine Appropriate Disciplinary Action. The hearing will be held not less than seven (7) business days and no more than twenty (20) business days after the notice is sent to the student's address of record.
3. The Superintendent or his/her designee will conduct a hearing at which the student, parent(s)/guardian(s), and the Red Clay Consolidated School District will have the following rights:
  - a. The right to be represented by counsel.
  - b. The right to be presented with names of witnesses against the student, and copies of affidavits of those witnesses.
  - c. The right to cross-examination or questioning of witnesses. The Red Clay Consolidated School District shall receive written parent permission for any witness who is a minor.
  - d. The right of the parties, including the student, to testify and produce witnesses and documents.
  - e. The right to a copy of a record of the hearing, which shall be kept either by a court stenographer or by tape recording, upon request and at his or her own expense.
4. The Superintendent or his/her designee shall consult with the appropriate District-Level administrator and the recommending principal, and review the hearing record, the principal's investigation, and all other relevant evidence.
5. Within five (5) business days following the conclusion of the hearing, The Superintendent or his/her designee shall prepare a written report (the "Report") for review by the Red Clay Consolidated School District Board of Education. The Report shall: (1) recommend an appropriate disciplinary measure, which may include expulsion; and (2) summarize the evidence and the findings of fact that support the Superintendent's recommendation.

6. The Superintendent or his designee shall provide the student and his/her parent(s)/guardian(s) with written notice of the recommendation, and shall inform them of the date, time, and place at which the Red Clay Consolidated School District Board of Education will vote on the Superintendent's recommendation.

### **Board Level**

1. The Red Clay Consolidated School District Board of Education shall determine whether to approve, modify, or reject the recommendation of expulsion or other discipline, and the Superintendent shall provide written notice of the Red Clay Consolidated School District Board of Education's decision to the student and his/her parent(s)/guardian(s). Expulsions will begin on the date of the incident initiating the referral.
2. Pursuant to Delaware Law, a student has the right to appeal the Red Clay Consolidated School District Board of Education's expulsion or other disciplinary decision by filing an appeal with the Delaware State Board of Education within 30 days of the student's receipt of the Red Clay Consolidated School District Board of Education's decision.

### **APPROPRIATE DISCIPLINARY ACTION FOR STUDENTS WITH DISABILITIES**

A "student with a disability" refers to a student eligible for special education or related services under the Individuals with Disabilities Act (IDEA) or a "handicapped student" as defined by Section 504 of the Rehabilitation Act of 1973. If a student's parent or guardian has requested that he/she be evaluated for eligibility, and the evaluation has not yet been performed, consult the RCCSD Office of Student Services regarding any proposed discipline.

"Special education team" refers to an Individual Educational Program (IEP) team for students eligible under the IDEA., which includes the student's parent/guardian and a multi-disciplinary team for students eligible under Section 504 and not eligible under the IDEA."

1. For disciplinary reasons, a principal may suspend a student with a disability without services for up to ten (10) school days, in accordance with guidelines for disciplining students without disabilities.
2. A principal may also change the student's placement to an alternative setting selected by the student's school-level IEP team for up to 45 days if:
  - a. The student carries a weapon to school or to a school function; or
  - b. The student knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances while at school or a school function.
3. A school may seek the determination of an impartial hearing officer that a student with a disability should be removed from the student's regular school. A hearing officer may order that the student be placed at an alternative school/program for up to 45 school days if the officer determines that maintaining the student at his/her current school is substantially likely to result in injury to the student or to others.
4. If the district contemplates expulsion, alternative placement (with or without expulsion), or suspension (inside or out of school) of a student with a disability in excess of ten (10) school days cumulatively in one school year, a special education team meeting at the school level will be convened to discuss the student's discipline. The meeting may be held up to ten (10) days after the removal of a student from school under paragraphs A or B above.

5. The school-level special education (IEP) team will determine whether the alleged conduct was a manifestation of the student's disability. If the special education team determines that the misconduct was not a manifestation of the student's disability, the student may be disciplined according to the Student Code of Conduct, except that a student with a disability as defined by I.D.E.A. may not be denied a free appropriate public education. If the special education team determines that the misconduct was a manifestation of the student's disability, the student may only be disciplined in accord with the requirements of I.D.E.A. or Section 504 of the Rehabilitation Act of 1973, whichever is applicable.
6. A parent/guardian who disagrees with the school-level special education team's determination or the principal's disciplinary decision may request a District-Level meeting to review the decision. A parent may also be entitled to a due process hearing to appeal the district's decision. If the student has been placed in an alternative school/program, the student will remain in the alternative placement until the due process hearing officer renders a decision or for 45 school days, whichever occurs first, unless the Red Clay Consolidated School District and parent(s)/guardian(s) agree otherwise.
7. A student identified as disabled under Section 504 of the Rehabilitation Act of 1973 and who is currently engaging in the illegal use of drugs or use of alcohol, may be disciplined with regard to their use or possession to the same extent that students without disabilities are disciplined.
8. Nothing stated herein shall preclude a school-level special education team from placing a student with a disability, determined to have brought a firearm to school, in an interim alternative educational setting in accordance with State and Federal law.

#### **PLACEMENT IN ALTERNATIVE SCHOOLS/PROGRAMS**

Placement in alternative schools/programs is the removal of a student from his or her regular school/program and placement in an alternative school/program to address the student's behavioral, motivational, or disciplinary needs. Alternative programs may be located at the student's regular school or at another school site.

1. Placement in an alternative school/program to address behavioral, motivational, or disciplinary problems will be implemented after the behavior management interventions that can be implemented in the regular school program are attempted. If the regular school's principal determines that such intervention measures are unsuccessful, placement in an alternative school/program may be recommended. Prior to referring to the Alternative Placement Committee, the regular school principal will meet with the student and his/her parent (s)/guardian(s) to inform them of the following: 1) of the referral for Alternative Placement; 2) that the student may be suspended pending the outcome of the Alternative Placement Team Meeting and; 3) of the procedures that will take place as follow-up to the referral for Alternative Placement. The Principal shall have a least one other person present to take notes during the conference or shall have the conference audio recorded.
2. An Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student. The Parent and student shall receive verbal and written notification of the Alternative Placement Meeting. The parent and student may, but are not required to, attend the meeting.
3. Placement in an alternative school/program may result from a student's violation of the Student

Code of Conduct. Placement at an alternative school/program may occur after the student has been expelled from his/her regular school program, or it may occur in lieu of expulsion or another disciplinary measure, depending on the particular violation of the Student Code of Conduct and the circumstances involved in the violation.

4. At or following the conference, the student and the student's parent(s)/guardian(s) shall be given written notice of:
  - a. the decision to place the student in an alternative school/program;
  - b. the circumstances which led to the placement;
  - c. how the alternative school/program is designed to meet the student's particular needs; and
  - d. the conditions that must be met in order for the student to return to the regular school program.
5. The student and the student's parent(s)/guardian(s) shall be advised that placement in the alternative school/program does not require parental approval, and shall be informed that the placement decision may be appealed pursuant to the Student Grievance Procedure set forth in the Student Code of Conduct.
6. A Principal may refer a student for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment. Students ineligible as a result of an offense listed in 14 DE Admin Code 611 shall not be referred to a Consortium Discipline Alternative Program (e.g., assault in the first degree, arson in the first degree, rape, trafficking drugs).

## **BUS TRANSPORTATION**

The bus is an extension of the school day. The Student Code of Conduct remains in effect any time a student is on a school bus, including but not limited to the assigned bus to and from the school, activity buses, sports buses, and field trip buses.

### **Bus Privilege**

Riding the school bus is a privilege for each student. If the following rules and regulations are not followed, the student may no longer be given the opportunity or privilege to ride the bus. If this privilege to ride a bus is suspended or revoked, the parent(s) will be responsible for transporting their child to and from school.

### **School Bus Safety Rules**

During grades PreK–3 the Bus Safety Rules are presented to all students in the Red Clay Consolidated School District, including walkers. The purpose of these presentations is to ensure students are aware of the bus safety rules, safe procedures while entering and exiting the school bus, and safe street crossing techniques, etc.

1. Listen to the bus driver/bus aid and follow directions.
2. Stay seated (back-to-back, bottom-to-bottom, book bag on your lap).
3. No eating or drinking.
4. No fighting. Keep your hands and feet to yourself. No horseplay.
5. All body parts belong inside the bus (e.g., hands, head, hair, feet).
6. Talk quietly. No shouting, screaming or loud noises.
7. Do not throw objects inside, outside or around the bus. Keep everything inside your book bag.
8. Do not touch emergency equipment (e.g., back and side doors, windows, roof hatches, first aid and body fluid kits, two-way radios).

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

Students must ride their assigned bus to and from their assigned stop. Switching buses for any reason is strictly prohibited.

1. Students are not to leave the bus without the driver's permission, except on arrival at their regular bus stop or at school.
2. Students should help keep the bus clean, sanitary and orderly. They must not damage or destroy bus seats or equipment.
3. The bus windows should not be opened without permission from the driver.
4. Students are not permitted to smoke while on the bus.
5. Students are not to use abusive language, profanity, obscene gestures, or spit on the bus.
6. Students may not bring large musical instruments, live animals, balloons, glass containers, skateboards, or large school projects onto the bus.
7. Athletic equipment brought on the bus must fit between the student's legs and not be placed on the

seat or in the aisle. Care and safety when transporting sports equipment should be considered a priority. Students misusing the equipment or allowing another student to misuse the equipment while on the bus will result in losing the privilege to transport the equipment on the bus. Whenever possible, the athletic equipment should be in appropriate equipment bags to avoid sharp edges being exposed to students.

8. Students are to enter the bus, immediately take their seats, and remain seated until the bus comes to a complete stop.
9. Students are to conduct themselves while on the bus in such a way that will not distract the driver. Distracting the driver puts everyone at risk.
10. Students with high school issued parking passes will be ineligible for bus transportation.

### **Cell Phone Use on School Buses**

Cell phone use on a school bus is disruptive and a distraction to the driver which may create a safety issue for the driver and students. During the bus ride, students must turn cell phones off and secure them out of sight.

### **Surveillance on School Buses**

School buses, both district owned and contracted buses, may have surveillance cameras which include audio and video capability. These tapes and/or hard drives may be used in disciplinary procedures.

### **Safety Procedures for Boarding and Exiting the Bus**

1. Students should never stand or play in the street while waiting for the bus.
2. If crossing a street to board the bus, students must look both right and left for cars, wait for the driver's signal to cross, and make sure the red lights are flashing. Always cross the street in front of the bus. Before boarding and exiting the bus, students must keep a safe distance from the bus.
3. Students should enter the bus without crowding or pushing.
4. Do not stand in the danger zones of a school bus (minimum of 10 feet all around the bus).

### **Meeting Students at Assigned Bus Stops**

The Red Clay Consolidated School District requires a parent/guardian or designees to meet their child at their assigned bus stop each and every day for the following groups of students:

1. All kindergarten students
2. All students under 5 years of age
3. Students who have special needs and requires adult assistance (Noted in student's IEP)

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

1. Transportation will contact the student's school and report that no one is at the bus stop to receive the child.
2. Transportation will return the student to school. The parent will be responsible for picking the child

up at the school. At this time, the parent will receive a letter from the school administrator reminding them of the district's policy.

3. Subsequent Offenses: Parent will receive a warning indicating additional offenses may result in termination of transportation.
4. Repeated Offenses: May result in temporary or permanent loss of transportation services, along with a referral to the Division of Family Services.

### **Bus Change**

Bus transportation cannot be viewed as a taxi and/or shuttle service. Below are guidelines for bus changes:

1. Bus routes and assignments can ONLY be changed by the Transportation Department.
2. Once the school makes address and/or day care changes, transportation will assign a bus stop in accordance within Red Clay Consolidated School District policy and procedures and adjust the bus route within 48 hours.
3. The Transportation Office will not give permission for a student to ride a different bus, except in emergencies.
4. Changing bus assignments for social events, school projects, parental vacations, getting to a work location, visiting another student, or allowing multiple drop-off locations for different days are not acceptable reasons.

The administration of the school and district are placed in an indefensible position regarding liability and insurance when students ride a bus without their name being on the bus roster.

### **Bus Privileges and Parking Passes**

The Red Clay Consolidated School District enforces Title 14, 4115 of the Delaware Code. This section addresses students who choose to drive to school and receive parking passes from their respective high schools.

1. A student receiving a parking pass from their high school will be ineligible to ride the school bus for the school year. Exceptions will only be granted for emergencies and only with permission from the Red Clay Consolidated School District Office of Transportation. Cars needing repairs will not be considered an emergency.
2. Students and parents will need to sign the parking permit stating that they have read and understand the district policy and return the permit to the high school administration.
3. A copy of the signed permit form will be sent to the transportation office. The student will be removed from the bus roster.

### **Bus Behavior Contracts**

When a student accumulates repeated bus referrals and/or three (3) bus suspensions, the student may be placed on a bus behavior contract. Subsequent bus referrals may result in extended bus suspensions.

Grades PreK-12: 5-day suspension, 10-day suspension, 30-day suspension, and permanent denial of bus privileges.

**Denial of Bus Privileges**

Denial of bus privileges is either a temporary or permanent removal of the opportunity to ride the school bus. In all cases of denial of bus privileges, an attempt shall be made to notify the parents by telephone, with a written notification of the denial sent to the parents within twenty-four (24) hours. Denial of bus privileges shall not be used as a disciplinary action for non-bus related violations.

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

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

1. Be given oral or written notice of the charges and be told who is making these charges or complaints.
2. Be given a fair and impartial hearing and have the opportunity to present the student's side of the story.
3. Have had prior opportunity to know that the misbehavior was in violation of established rules and regulations.
4. Be advised that denial of bus privileges may be appealed to the next high authority.

**Bus Route Problems**

Problems concerning bus routes and bus arrival times should be referred to the Red Clay Consolidated School District Office of Transportation at 302.322.0251.

## **ACCEPTABLE COMPUTER AND ASSOCIATED NETWORK USE POLICY**

The purpose of the Red Clay Consolidated School District computer network is to promote the exchange of information to further education and research and is consistent with the mission of the Red Clay Consolidated School District.

Access to Red Clay Consolidated School District computers and the associated network (RCSchoolNET) is a privilege not a right. If a user violates any of the acceptable use provisions outlined in this document, future access will be denied. Some violations may also constitute a criminal offense and may result in legal action. Any user violating these provisions, applicable state and federal laws, or posted classroom and school policies is subject to loss of access privileges and any other Red Clay Consolidated School District disciplinary options.

### **Acceptable Use for Students of the Red Clay Consolidated School District**

1. Use must be in support of education and research consistent with Red Clay Consolidated School District policies and curriculum standards.
2. RCSchoolNET is not for private or commercial business use, political, or religious purposes.
3. Any use of RCSchoolNET for illegal activity is prohibited.
4. Use of RCSchoolNET to access obscene or pornographic material is prohibited.
5. Sending material likely to be offensive or objectionable is prohibited.
6. Destruction or vandalism of technology equipment is prohibited.
7. Unauthorized installation of copyrighted software or files for use on district computers is prohibited.
8. No commercial/shareware/freeware software of any kind shall be installed or downloaded to any Red Clay Consolidated School District computer unless first approved by the District Manager of Technology.
9. Email cannot be used for private or commercial offerings of products or services for sale or to solicit products or services.
10. Email cannot be used for political or religious purposes.
11. Network storage areas may be treated like school lockers. Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district computers will be private.

### **My Responsibilities and Acknowledgements as an RCSchoolNET User**

1. I will respect the rights and property of others and will not improperly access, misappropriate or misuse the files, data, or information of others.
2. I will adhere to all copyright laws.
3. I will protect all district technology equipment from potentially damaging substances such as food, drink, gum, and chalk.
4. I will not share my account with anyone or leave the account open or unattended.
5. I will keep all accounts and passwords confidential and not accessible to others.
6. I will change passwords regularly using combinations of letters and numbers avoiding standard English words and names.
7. I am responsible for making back-up copies of documents critical to me.

8. I will take precautions to prevent viruses on all district computer equipment.
9. I understand that email communications are not considered private communications and can be reviewed by the district to ensure that email is being used in accordance with the requirements of this policy.

Interpretation, application, and modification of this Acceptable Use Policy are within the sole discretion of Red Clay Consolidated School District. Any questions or issues regarding this policy should be directed to Red Clay Consolidated School District Administration. All appropriate Red Clay Consolidated School District Policies are applicable to technology equipment and use. If a parent/guardian elects to prohibit access to the Internet by his/her student(s), the parent/guardian must notify the Department of Information Technology in writing.

## SCHOOL-POLICE RELATIONSHIP

To insure that both students and parents are aware of the required relationship between the school and the police agencies, the following section of the Memorandum of Agreement Between the Board of Education of the School Districts and Law Enforcement Agencies in New Castle County is quoted:

School officials shall promptly report to the appropriate police agency all police matters coming to their attention, whether occurring on or away from the school premises, which involve pupils attending the particular school. The following offenses should be reported to the appropriate police agency for investigation:

(A) School officials shall promptly report to the appropriate police and/or law enforcement agency all the following offenses:

1. Felonies
2. Assaults on person or property
3. Reports of explosives, knives, firearms, ammunition, or blasting caps brought into school
4. Controlled substance and alcohol
5. Sexual offenses
6. Morals offenses (pornography, exhibitionism, peeping, etc.)
7. Organized gambling (numbers and pools)
8. Neglect or abuse of children
9. Persons or conditions which are factors in contributing to the delinquency of minors
10. Adults loitering on or near school property
11. Unknown persons parked near schools at times when pupils are going to and from school
12. Observations of unsafe driving and traffic hazards endangering lives of students.
13. Telephone threats made to the school
14. Arson or suspicion of arson
15. Rumors or observations of gang rivalries or activities
16. Sexual abuse or incest
17. Evidence of threats of intimidation
18. Theft
19. Burglary and attempted burglary of school buildings
20. Criminal mischief
21. Trespass on school property

(B) Police matters shall not include conduct that has traditionally been the responsibility of school administration. Conduct of a serious nature should be reported to parent or guardian immediately.

## CHAPTER V. DRUG AND ALCOHOL POLICY

The following policy was adopted by the Red Clay Consolidated School District School Board of Education on March 20, 1991.

### Preface

It is the responsibility of the Red Clay Consolidated School District Board of Education to provide through its facilities, resources, and staff an educational climate conducive to learning and individual development.

Through the use of a revised curriculum, classroom activities, community support and resources, a strong and consistent administrative and faculty effort, and rehabilitative and disciplinary procedures, the Red Clay Consolidated School District will work to educate, prevent, and intervene in the use and abuse of all drug/alcohol and mind altering substances by the entire student population.

### Policy

Since possession, distribution, and consumption of alcohol or illegal drugs is in violation of certain state and federal statutes, the State Board of Education Policy on the Possession, Use, or Distribution of Drugs and Alcohol, as well as the Red Clay Consolidated School District Student Code of Conduct, the Red Clay Consolidated School District Board of Education hereby declares that such illegal possession, distribution, or consumption have no relationship to the rightful and legal pursuit of educational opportunities, nor to a positive and wholesome climate for learning. In addition, possession, use, and/or distribution of prescribed medications can also, under certain circumstances, be a violation of the Student Code of Conduct.

Medications: Prescription medications should not be in the possession of any student at school. If a student is required to take a prescription medication at school, it should be brought to (and taken from) the school nurse by a parent or guardian and left with the school nurse. If a student is found to be in possession of a medicine prescribed to that student and in its original labeled container the following steps will be taken:

1. The parent will be contacted.
2. The student will receive a written warning requiring the parent's signature.
3. The medication will be confiscated and given to the school nurse.
4. Second and subsequent violations of this medication policy will be treated as Defiance of School Authority.

The possession of a prescription medication that is either not prescribed to the student who possesses it or is not in its original, labeled container may be treated exactly like the possession of an illegal drug (see *Definitions of Terms for Drug and Alcohol Violations*).

The following policy and administrative guidelines on the possession, use, or distribution of drugs/alcohol shall apply to all Red Clay Consolidated School District students.

The possession, use, and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia are harmful to students and are prohibited within the school environment.

Communication devices, such as but not limited to, mobile telephones and electronic beepers, ordinarily have no place in the school environment. The unauthorized possession of such communication devices is prohibited. Communication devices are to be confiscated by the administration. If the devices are involved in a criminal act, they are to be turned over to the appropriate police agency. If not involved in a criminal act, the communication devices may be returned to the parent or guardian of the student.

Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion. Personal possessions, such as coats, purses, book bags, etc., may also be subjected to search with reasonable cause.

Student motor vehicle use to and in the school environment is a privilege that may be extended to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession, or distribution of alcohol, a drug, a drug-like substance, a look-alike substance or drug paraphernalia, or of a student's possession of an unauthorized electronic beeper or other communication device in the school environment, may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of privilege to bring the vehicle on campus.

Students of majority age (i.e., 18 years or older) are responsible for their actions. All such students will be treated as adults for purposes of reporting violations of this policy and of the law to police. Such students shall also be on notice that their parents/or guardians will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.

All alcohol, drugs, drug-like substances, look-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 in the case of a medical emergency, for identification.

All substances shall be sealed and documented, and in the case of substances covered by Del. Code, Ch. 47, turned over to the police as potential evidence. A request for analysis shall be made where appropriate.

**POLICY GUIDELINES FOR DRUG AND ALCOHOL VIOLATIONS**

<sup>1</sup>May be used in addition to Required Consequences/ Discipline on First Offense. One or more required for Subsequent Offenses.

Situation/ Category	Immediate Action	Investigation	Notification	Disposition of Substance	Consequences/ Discipline
<p>1. A student is suspected of possible drug/ alcohol use. There is no physical evidence of a violation.</p>	<ul style="list-style-type: none"> <li>▪ Inform the student of available services and encourage him/ her to seek assistance.</li> <li>▪ SBR</li> </ul>	<ul style="list-style-type: none"> <li>▪ Investigation is limited to the staff member, counselor, nurse, and administration.</li> </ul>	<p>Notification of Parents: Comments should be limited to behavior and academic performance.</p> <p>Notification of Police: Not applicable.</p>	<p>Not applicable.</p>	<p>–</p>
<p>2. A student contacts a staff member regarding drug/ alcohol use by another student.</p>	<ul style="list-style-type: none"> <li>▪ The student who contacts the staff member should encourage the other student to seek assistance.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Investigation is limited to the staff member, counselor, nurse, and administration.</li> </ul>	<p>Notification of Parents: Not applicable.</p> <p>Notification of Police: Not applicable.</p>	<p>Not applicable.</p>	<p>–</p>
<p>3. A student volunteers information about personal drug/ alcohol use and asks for help.</p>	<ul style="list-style-type: none"> <li>▪ Inform the student of available services and encourage him/ her to seek assistance.</li> <li>▪ SBR</li> </ul>	<ul style="list-style-type: none"> <li>▪ Investigation by appropriate school personnel.</li> </ul>	<p>Notification of Parents: Yes, at administration's discretion.</p> <p>Notification of Police: Not applicable.</p>	<p>Not applicable.</p>	<p>–</p>

Situation/ Category	Immediate Action	Investigation	Notification	Disposition of Substance	Consequences/ Discipline
4. A student has a medical emergency due to use of drugs or alcohol (First Offense).	<ul style="list-style-type: none"> <li>▪ Contact the nurse.</li> <li>▪ Transport the student to a medical facility by ambulance.</li> <li>▪ Contact building administrator.</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.</li> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Yes, parent conference arranged as soon as possible.</p> <p>Notification of Police: Yes.</p>	Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.	<p>Required</p> <ul style="list-style-type: none"> <li>▪ Suspension for up to 10 days.</li> <li>▪ Readmission conference with documentation of outside counseling.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Suspension or recommendation for Due Process to Determine Appropriate Disciplinary Action.</li> </ul>
5. A student possesses alcohol, a drug, drug-like substance, and/ or a look-alike substance, in an amount typical for personal use, and/ or drug paraphernalia (First Offense).	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> <li>▪ SBR</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.</li> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Yes, parent conference arranged as soon as possible.</p> <p>Notification of Police: Yes.</p>	Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.	<p>Required</p> <ul style="list-style-type: none"> <li>▪ Suspension for up to 10 days.</li> <li>▪ Readmission conference with documentation of outside counseling.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Suspension or recommendation for Due Process to Determine Appropriate Disciplinary Action.</li> </ul>

Situation/ Category	Immediate Action	Investigation	Notification	Disposition of Substance	Consequences/ Discipline
<p>6. A student uses or is under the influence of drugs/ alcohol (First Offense).</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> <li>▪ SBR</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.</li> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Yes, parent conference arranged as soon as possible.</p> <p>Notification of Police: Yes.</p>	<p>Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.</p>	<p>Required</p> <ul style="list-style-type: none"> <li>▪ Suspension for up to 10 days.</li> <li>▪ Readmission conference with documentation of outside counseling.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Suspension or recommendation for Due Process to Determine Appropriate Disciplinary Action.</li> </ul>
<p>7. A student violates district's drug/ alcohol policy at a school-related activity, on or off school property.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> <li>▪ SBR</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.</li> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Yes, parent conference arranged as soon as possible.</p> <p>Notification of Police: Yes.</p>	<p>Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.</p>	<p>Required</p> <ul style="list-style-type: none"> <li>▪ The student may be sent home immediately or detained until a parent can accompany the student.</li> <li>▪ Further discipline as provided by the Situation/ Category will take place following administrative investigation.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Further discipline as provided by the Situation/ Category will take place following administrative investigation.</li> </ul>

Situation/ Category	Immediate Action	Investigation	Notification	Disposition of Substance	Consequences/ Discipline
<p>8. A student possesses a quantity of alcohol, a drug, a drug-like substance, a look-alike substance and/ or drug paraphernalia in an amount which exceeds an amount typical for personal use, and/ or distribution of the above-named substances or paraphernalia.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> <li>▪ SBR</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.</li> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Yes, Parent Conference arranged immediately.</p> <p>Notification of Police: Yes.</p>	<p>Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.</p>	<p>Required</p> <ul style="list-style-type: none"> <li>▪ 5-day suspension or recommendation for Due Process to Determine Appropriate Disciplinary Action hearing.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Additional 5-day suspension if administration deems necessary.</li> <li>▪ Recommendation for Due Process to Determine Disciplinary Action Hearing.</li> </ul>
<p>9. A non-student possesses drugs, alcohol, a drug-like substance, a look-alike substance and/ or drug paraphernalia, or is under the influence of drugs or alcohol.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Not applicable.</p> <p>Notification of Police: Yes.</p>	<p>Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.</p>	<p>Required</p> <ul style="list-style-type: none"> <li>▪ Contact administration.</li> <li>▪ Further discipline as provided by Situation/ Category.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Further discipline as provided by Situation/ Category.</li> </ul>

Situation/ Category	Immediate Action	Investigation	Notification	Disposition of Substance	Consequences/ Discipline
<p>10. A student possesses and/or uses steroids.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> <li>▪ SBR</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.</li> <li>▪ Confiscate evidence.</li> </ul>	<p>Notification of Parents: Yes.</p> <p>Notification of Police: Yes.</p>	<p>Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.</p>	<p>Required</p> <ul style="list-style-type: none"> <li>▪ Suspension for up to 10 days.</li> <li>▪ Readmission conference with documentation of outside counseling.</li> </ul> <p>Additional<sup>1</sup></p> <ul style="list-style-type: none"> <li>▪ Suspension or recommendation for Due Process to Determine Appropriate Disciplinary Action.</li> </ul>

## CHAPTER VI. VIOLATIONS OF THE STUDENT CODE OF CONDUCT

The Student Code of Conduct defines specific acts that are considered violations of expected student behavior. School rules come from many sources including State Law, Red Clay Consolidated School District Board of Education Policy, and Red Clay Consolidated School District Guidelines and Regulations. These violations are examples of those acts that disrupt the school environment and the instructional process.

The aim of this chapter is to provide school personnel, parents, students, and the community with a clear understanding of these violations and the resulting disciplinary actions. The list is not all-inclusive and a student committing an act of misconduct not listed will still be subject to the authority of the principal.

A major consideration of the Student Code of Conduct is to identify appropriate disciplinary actions to bring about positive student behavior. The severity and frequency of the misbehavior are considered in defining appropriate disciplinary action. While administrative personnel bear the major responsibility for effectively carrying out the discipline policies, the total staff plays a vital role in resolving problems influencing student behavior.

The following section lists and define violations and disciplinary actions. For all offenses specific disciplinary actions are required. However, the Student Code of Conduct permits selection from the list of additional strategies depending on the severity or frequency of the violation. Additional consequences/discipline are only examples and other consequences/discipline may also be imposed.

The principal or designee shall conduct such an investigation as is reasonable under the circumstances to confirm that the charged offense has in fact been committed.

### **MULTIPLE SUSPENSIONS**

Upon the third suspension within one school year, the student may be placed on a behavioral contract. Upon the fourth suspension within a school year, a principal may refer a case to the Superintendent or designee for further action, including possible recommendation to the Red Clay Consolidated School District Board of Education for Due Process to Determine Appropriate Disciplinary Action. Furthermore, if two or more of the suspensions qualify as state mandatory reporting of Student Conduct offenses, a principal must refer a case to the Superintendent or designee for further action, including possible recommendation for Due Process to Determine Appropriate Disciplinary Action.

**ADMINISTRATIVE GUIDELINES FOR DISCIPLINARY ACTION**

<sup>2</sup> May be used in addition to Required Consequences/Discipline on First Offenses. One or more required for Subsequent Offenses.

<sup>3</sup> Readmission Conference required upon Suspension.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Abusive Language/ Gestures.</b> Student uses, or threatens to use, written or spoken language, gestures, electronic images, photos or actions, which are offensive, obscene, or vulgar.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Restitution/ Restoration</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference.</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Arson.</b> Any act utilizing fire, smoke, or explosives which cause alarm or danger to life; including but not limited to willful or malicious burning of school property, its contents, or the property of others.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ Restoration/ Restitution</li> <li>▪ Incident Report</li> <li>▪ Call Fire Marshal</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference.</p>	<p>Yes.  Call Fire Marshal.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<b>Assault I &amp; II.</b> Student makes an unlawful physical attack resulting in an injury to another with or without a weapon.	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> <li>▪ Second Offense: Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference.	Yes.
<b>Assault III.</b> (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon or a dangerous instrument.	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference.	Yes.
<b>Attendance Problems in School or Class.</b> Student has unexcused absence, unexcused tardiness or class cuts.	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Staff member completes cut/ late slip and/ or notifies building administrator.</li> <li>▪ Visiting Teacher notified, in cases of Truancy.</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ No credit for class or day if absence is unexcused</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Referral to Alternative Program</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	Parent Contact/ Conference, and review of attendance policy with parent and student.	Yes, if administration deems necessary, and in cases of Truancy (notify Visiting Teacher).

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Attorney General’s Report (Juvenile Arrest Warrant and Complaint).</b> The Department of Justice’s report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare or others, including, but not limited to, acts of violence, weapons, and drug offenses.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Notify IEP Team, for students with disabilities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Disciplinary Probation, for students without disabilities.</li> <li>▪ Convene IEP Team meeting, for students with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavior Contract/ Behavior Support Plan</li> <li>▪ School/ Agency Counseling</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact/ Conference, if suspended.</p>	<p>Not applicable.</p>
<p><b>Audio or Video Recording, Unauthorized Use of.</b> Student records (audio, video, photographic), or attempts to record, without the direct authorization of the school administration.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Confiscate evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference.</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Breaking and Entering.</b> Unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ Grades K-2: Mandatory parent conference on First Office; Suspension on Subsequent Offenses.</li> <li>▪ Grades 3-12: Suspension on First Offense.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> </ul>	<p>Parent Contact/ Conference.</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Bullying.</b> Any intentional written, electronic, verbal or physical act or actions against another students, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school or volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ School/ Agency Counseling</li> <li>▪ Report allegation in eSchool</li> <li>▪ Victim and offender receive counseling services</li> <li>▪ Ombudsman’s letter to parents of involved parties</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Restitution/ Restoration</li> <li>▪ Suspension</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference.</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Burglary.</b> Illegal or unauthorized entry.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ Suspension on Subsequent Offenses</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Criminal Deadly Weapons/ Dangerous Instrument Offense, Commission of.</b> Behavior in which law enforcement believes probable cause exists to arrest a student for any offense defined by 11 Del.C. §§ 1142-1458. Examples include, but are not limited to, carrying a concealed deadly weapon such as a gun or knife with 3” or longer blade, carrying a concealed dangerous instrument, or possessing a destructive weapon.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact RCCSD Public Safety Office.</li> <li>▪ Notify immediate supervisor.</li> <li>▪ Notify parent.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Process to Determine Appropriate Disciplinary Action</li> <li>▪ Suspension for 5 days; possibly up to 10 days pending investigation.</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Disciplinary probation</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Criminal Drug Offense, Commission of.</b>                      Behavior in which law enforcement believes probable cause exists to arrest a student for the possession, distribution, or use of alcohol, a drug, a drug-like substance, a look alike substance and/or paraphernalia as defined in 16 Del.C. Chapter 47-Uniform Controlled Substance Act and/or 4 Del.C.-Alcoholic Liquors. Examples include, but are not limited to, possession of marijuana, being under the influence of alcohol, or distribution of prescription medication.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension for up to 5 days; possibly up to 10 days pending investigation</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavior Contract</li> <li>▪ School/ Agency counseling</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> </ul>	Parent Contact/ Conference, if suspended.	Yes.
<p><b>Criminal Mischief (Vandalism).</b>                      When a student intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Confiscation of evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR.</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Suspension on Subsequent Offense.</li> <li>▪ State Report Form</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Suspension</li> <li>▪ School/ Agency Counseling</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Criminal Sexual Offense, Commission of.</b>                      Behavior in which law enforcement believes probable cause exists to arrest a student for any offense defined by §§763-780 and §§ 1108-1112A, 1352(2) and 1353(2) of 11 Del.C. Examples include, but are not limited to, sexual harassment, unlawful sexual contact, rape, indecent exposure, or sexual extortion.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference	Yes.
<p><b>Criminal Violent Felony Offense, Commission of.</b>                      Behavior in which law enforcement believes probable cause exists to arrest a student for a violent felony as listed in 11 Del.C. §4201(c) and defined in Titles 11, 16, and 31 of the Delaware Code.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference	Yes.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Cyberbullying.</b>                      The use of uninvited and unwelcome electronic communication directed and an identifiable student or group of students, through means other than face-to-face interactions, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communications shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.                      The physical place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school district or charter school materials.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff member submits SBR</li> <li>▪ School/ Agency Counseling</li> <li>▪ Report allegation in eSchool</li> <li>▪ Victim and offender receive counseling services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavior Contract</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Dangerous Instruments/ Look-Alikes, Possession of.</b> Student possesses and/or conceals potentially dangerous instruments or debilitating sprays such as but not limited to sling shots, knives, penknives, razor blades, sharp instruments, mace, pepper gas, or look-alikes, and any weapon which will, is designed to, or may readily be converted to, expel a projectile by the action of air pressure, carbon dioxide pressure, or mechanical means, including but not limited to pellet gas, BB guns, CO<sub>2</sub> guns, and air guns.</p>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence</li> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Denial of Bus Privileges</li> </ul>	Parent Contact/ Conference	Yes.
<p><b>Dangerous Instruments/ Look-Alikes, Use of.</b> Using or threatening use of potentially dangerous instruments or debilitating sprays such as but not limited to slingshots, knives, pen-knives, razor blades, sharp instruments, mace pepper gas, look-alikes, and any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of air pressure, carbon dioxide pressure, or mechanical means, including but not limited to pellet guns, BB guns, CO<sub>2</sub> guns and air guns.</p>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence</li> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Denial of Bus Privileges</li> </ul>	Parent Contact/ Conference	Yes.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Dangerous Instrument(s), Possession/ Concealment/ Sale of.</b> Any unauthorized possession/ concealment/ sale of an instrument, article or substance which is readily capable of causing serious physical injury or death.</p>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence</li> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for up to 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Denial of Bus Privileges</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Defiance of School Authority.</b> (1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from Class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Disorderly Conduct.</b> Conduct which causes public inconveniences, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from Class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Suspension</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Disruption of the Educational Process.</b> Behavior that seriously disrupts, or is intended to disrupt, any school activity or the orderly operation of the school, including but not limited to, boycotts, sit-ins, and walk-outs.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from Class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Disruption on School Bus.</b> Any misconduct on the bus, disrespect to the driver, or vandalism to the bus.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> </ul>	<ul style="list-style-type: none"> <li>▪ Restitution/ Restoration</li> <li>▪ Bus Referral Form</li> <li>▪ State Report Form, if administration deems necessary.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Denial of Bus Transportation</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Driving, Unsafe.</b> Student drives any vehicle on school property or while under school authority with reckless disregard for the safety of persons or property.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact Building Administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Restitution/ Restoration</li> <li>▪ Suspension (on Second Offense)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Denial of Driving Privileges on school property</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Drugs, Alcohol and/ or Paraphernalia, Distribution of.</b> The sale, transfer, or distribution in school, on school property, or on school field trip of drugs, alcohol, drug-like substance, or look-alike substances. This situation includes prescription drugs or over-the-counter drugs. Possession of excessive amounts of drugs/ alcohol or like-alike substances are considered as "possession with intent to deliver." An "illegal substance" includes all substances which fall under the definition of "controlled substances" set forth in the Uniform Controlled Substances Act (16 Del. C. Sec. 4701 et. seq.).</p>	<ul style="list-style-type: none"> <li>▪ Confiscate substances and/ or paraphernalia</li> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Denial of Bus Privileges</li> </ul>	Parent Contact/ Conference	Yes.
<p><b>Drugs, Alcohol and/ or Paraphernalia, Use and/ or Possession of.</b> To possess on your person or among your personal belongings, or to use or have consumed alcohol, drugs or any illegal substance. This includes being under the influence, even if use occurred off school groups. This situation includes look-alike substances, prescription drugs, and over the counter drugs.</p>	<ul style="list-style-type: none"> <li>▪ Contact administration</li> <li>▪ Confiscate substances and/ or paraphernalia</li> <li>▪ SBR</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Search the student, his/ her locker, and/ or other personal possessions. Confiscate substances and/ or paraphernalia.</li> <li>▪ Initial suspension for 5 days, with mandatory psychological evaluation. Additional days may be added pending investigation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Exclusion from school activities</li> </ul>	Parent Contact/ Conference  Must provide documentation of psychological evaluation.	Yes.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Electronic Devices, Unauthorized Use of.</b> The unauthorized use of electronic devices including, but not limited to, cell phones, audio players, video games, and communication devices, that results in a disruption to the educational process or jeopardizes the health, safety or welfare of students or staff.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Confiscate electronic device</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Exclusion from school activities</li> <li>▪ Suspension</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.
<p><b>Explosives.</b> Student possesses and/ or conceals articles that could explode, burn, detonate, or have potential for bodily harm, damage, and/ or disruption.</p>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence</li> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Expulsion for not less than one year, and Alternative Placement</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Suspension</li> <li>▪ Recommendation for Expulsion for not less than one year, and Alternative Placement</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference	Yes.
<p><b>Extortion.</b> To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Confiscate evidence</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Restitution/ Restoration</li> <li>▪ State Report Form, if administration deems necessary</li> <li>▪ Incident Report, if administration deems necessary</li> <li>▪ Parent Contact</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension</li> <li>▪ Referral to Alternative Program</li> <li>▪ In-School Suspension</li> <li>▪ School/ Agency Counseling</li> <li>▪ Behavior Contract</li> </ul>	Parent Contact/ Conference with Administration, Counselor, Student Advisor, SRO, and Student	Yes, if administration deems necessary.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>False Documentation/ Forgery.</b> Intentionally or recklessly falsifying, misrepresenting, forging, or replicating school or student related documents and/or signatures or knowingly using said documents.</p>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Restitution/ Restoration</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if Administration deems necessary.</p>
<p><b>Felony Theft (\$1,500 or More).</b> (1) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (2) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of theft, and fraudulently converts the property to the person's own use. The theft is considered a felony when the value of the property received, retained, or disposed of is \$1,500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in §3902(2) of Title 31 or a "person with a disability" as defined in §3091(a)(2) of Title 12.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ SRO</li> </ul>	<ul style="list-style-type: none"> <li>▪ Confiscate property</li> <li>▪ Parent Contact</li> <li>▪ Behavior Contract</li> <li>▪ Suspension</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report Form</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference with Administration, Counselor, Student Advisor, SRO, and Student</p>	<p>Yes.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<b>Fighting.</b> Any aggressive physical altercation between two or more individuals.	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Parent Contact</li> <li>▪ Grades 3-12: Suspension on First Offense.</li> <li>▪ Grades K-2: Exclusion from school activities, with mandatory Parent Conference, on First Offense; Suspension on Subsequent Offenses.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Behavior Contract</li> <li>▪ Restitution/ Restoration</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.
<b>Firearms.</b> Student possesses (A) any weapon (including a starter gun) which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. "Destructive devices" include, but are not limited to, explosive, incendiary, or poison gas devices (e.g., bombs, rockets).	<ul style="list-style-type: none"> <li>▪ Report firearm</li> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Secure Weapon/ Firearm</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Expulsion for not less than one year, and Alternative Placement</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> <li>▪ Behavioral Contract</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Denial of Bus Transportation if offense occurs on bus</li> <li>▪ Suspension</li> <li>▪ Recommendation for Expulsion for not less than one year, and Alternative Placement</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference	Yes.
<b>Gambling.</b> Participation in games of chance for money or other things of value.	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Confiscate evidence</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Contact</li> <li>▪ SBR</li> <li>▪ State Report Form, if administration deems necessary</li> <li>▪ Incident Report, if administration deems necessary</li> <li>▪ Restitution/ Restoration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension</li> <li>▪ Notify SRO</li> <li>▪ School/ Agency Counseling</li> <li>▪ In-School Suspension</li> <li>▪ Suspension</li> <li>▪ Behavior Contract</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Harassment.</b> The same meaning as provided in 11 Del.C. §1311. It includes any actions or statements that intimidate, offend, or defame the dignity or self-esteem of individuals or groups. Harassment may include, but is not limited to, verbal harassment or abuse, repeated remarks or jokes with demeaning implications or other offensive behavior. Harassment also includes intimidating, offensive or defaming behavior or materials directed at an individual because of that individual's race, national origin, disability, sexual orientation or religion.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Evidence turned over to building administrator</li> <li>▪ Contact DFS Hotline if harassment is sexual in nature</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> </ul>	<p>Parent Contact/ Conference (Offender and Victim)</p>	<p>Yes, if harassment is sexual nature, or if administration deems necessary.</p>
<p><b>Hazing.</b> Student willfully ridicules, harasses or causes participation in embarrassing pranks as a form of induction or initiation into a group/ organization/ sport.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Exclusion</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Behavior Contract</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Inappropriate Behavior.</b> Behavior which produces distractions, friction or disturbances which seriously or repeatedly interfere with the effective function of the teacher and/ or students within the school environment including, but not limited to, actions that could endanger the safety and welfare of others, disrespect of others, or plan to violate the school code of conduct.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Meeting with appropriate administration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Inappropriate Sexual Behavior.</b> Indecent proposition, proposal, touching, and/ or exposure.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Inflammatory Actions.</b> Uses or threatens to use written or spoken language, gestures, electronic images, photos, or actions which might create alarm, fear, and/ or a disturbance.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Restitution/ Restoration</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Exclusion</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Inhalant Abuse.</b> Chemical vapors that are inhaled for their mind-altering effects.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Confiscate evidence and secure for administration</li> <li>▪ Contact nurse for evaluation</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Incident Report</li> <li>▪ School/ Agency Counseling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference required immediately upon reporting and prior to readmission.</p>	<p>Yes.</p>
<p><b>Leaving School Property Without Permission.</b></p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Notify Visiting Teacher, in cases of Truancy</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ School/ Agency Counseling</li> <li>▪ Work Assignment</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Loitering/ Trespassing.</b> Individual is present in any school area or school bus without authorization.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff member submits SBR</li> <li>▪ Disciplinary Probation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, in cases of trespassing.</p>
<p><b>Medications, Inappropriate Use or Possession of.</b> (1) Using any substance for a purpose for which it was not intended; or (2) possessing or using nonprescription medication or prescription drugs of any type in the school environment not in accordance with the school's medication or drug and alcohol policy.</p>	<ul style="list-style-type: none"> <li>▪ Confiscate evidence</li> <li>▪ Contact building administration</li> <li>▪ Contact nurse</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference required immediately upon reporting and prior to readmission.</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Misuse of Technology.</b> Soliciting, using or sending pornographic or obscene materials, accessing unauthorized email, downloading and/ or installing files with or without malicious intent, and/ or damage to equipment within the school environment.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Log off and secure access to computer used by offender</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Contact building administrator</li> <li>▪ Administration contacts ISO at RCCSD Office of Technology, if network or email related</li> </ul>	<ul style="list-style-type: none"> <li>▪ Loss of technology rights (see Acceptable Use Policy)</li> <li>▪ Detention</li> <li>▪ Suspension</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference required immediately if related to pornography or if material depicts another student.</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Misuse of Technology (Server Clause).</b> Situations in which a student or students deliberately tampers with, damages, alters, accesses, crashes, or corrupts the computer/ communications system within the school environment resulting in the loss or corruption of information, the ability of the system to operate, or in any way disrupts or degrades the school or district's technology infrastructure.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Log off and secure access to computer used by offender</li> <li>▪ Contact building administration</li> <li>▪ SBR</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration contacts ISO at RCCSD Office of Technology, if network or email related</li> </ul>	<ul style="list-style-type: none"> <li>▪ Loss of technology rights (see Acceptable Use Policy)</li> <li>▪ Detention</li> <li>▪ Suspension</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact/ Conference required for readmission.</p>	<p>Yes, if required by ISO.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Offensive Touching.</b> Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Incident Report</li> <li>▪ Suspension</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Pornography.</b> The possession, sharing or production of any known obscene material.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Confiscate evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ Suspension</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Pulling A Fire Alarm.</b></p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Rape or Attempted Rape.</b> Forced sexual intercourse or attempted forced sexual intercourse without consent of the victim.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Notify police</li> <li>▪ Victim to nurse's office</li> <li>▪ Contact School Psychologist/ Counselor</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ School/ Agency Counseling</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact (Offender and Victim)  Parent Conference (Offender)</p>	<p>Yes.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Reckless Burning.</b> When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damages or places another person in danger of physical injury.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Restoration/ Restitution</li> <li>▪ Incident Report</li> <li>▪ Call Fire Marshal</li> <li>▪ State Reporting Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determined Appropriate Disciplinary Action (ages 12 and over)</li> <li>▪ School/ Agency Counseling</li> <li>▪ Exclusion from school activities</li> </ul>	Parent Contact/ Conference	Yes.  Call Fire Marshal.
<p><b>Reckless Endangering.</b> Student recklessly engages in conduct which creates a substantial risk of physical injury to another person and which causes injury to another person.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> <li>▪ Removal from class</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Grades K-2: Exclusion from school activities, with mandatory Parent Conference, on First Offense; Suspension on Subsequent Offenses.</li> <li>▪ Grades 3-12: Suspension on First Offense.</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavior Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.
<p><b>Repeated Violations of Student Code of Conduct.</b> (1) Five or more documented student referrals for violation of the school's Code of Conduct within a school year, but not including chronic infractions for tardiness or unexcused absences to school/ class; or (2) Violation of any behavior contract between a student, his/ her legal guarding, and the school.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conference with building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Suspension</li> <li>▪ School/ Agency Counseling</li> </ul>	Parent Contact/ Conference	No.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Robbery.</b> Student feloniously takes personal property in the possession of another against his/ her will, accomplished by means of force or fear.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Restitution/ Restoration</li> <li>▪ State Report Form</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Sexual Assault.</b> Any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include, but are not limited to, sexual harassment as defined in §763 of Title 11, sexual contact as defined in §761(f) Title 11, sexual intercourse as defined in §761(g) of Title 11, sexual penetration as defined in §761(i) of Title 11, and child sexual abuse as defined in §901 of Title 10.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Offender held in building administrator's office</li> <li>▪ Victim to nurse's office</li> <li>▪ Contact School Psychologist</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ School/ Agency Counseling</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact (Offender and Victim)  Parent Conference upon re-entry (Offender)</p>	<p>Yes.</p>
<p><b>Sexual Contact or Intercourse.</b> Student makes sexual contact with or without consent of victim.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for up to 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ School/ Agency Counseling</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Sexual Harassment.</b> Threatening to engage in conduct likely to result in the commission of sexual offense against any person; or suggesting, soliciting, requesting, commanding, importuning or otherwise attempting to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension for 5 days</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact (Offender and Victim)</p> <p>Parent Conference (Offender)</p>	<p>Yes.</p>
<p><b>Sexual Misconduct.</b> A consensual sexual act(s) between two individuals within the school environment. Non-consensual sexual acts may be considered criminal in nature.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ School/ Agency Counseling</li> <li>▪ Recommendation for Process to Determine Appropriate Disciplinary Action</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Stealing.</b> Act of taking possession or transferring property of another without the consent of the owner.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Reprimand</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ State Report Form</li> <li>▪ Suspension (on Second Offense)</li> <li>▪ Incident Report (Felony Offenses (Theft over \$1,200))</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Stolen Property, Possession of.</b> A person is guilty of theft when he "takes, exercises control over, or obtains property of another person intending to deprive him of it or appropriates it." Possession/ receipt of stolen property occurs when one "intentionally receives, retains, or disposes of property of another person with intent to deprive the owner of it or to appropriate it, knowing that it has been acquired under circumstances amounting to theft, or believing that it has been so acquired."</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Suspension, on Second Offense</li> <li>▪ State Report Form and Incident Report, for Felony Offenses (over \$1,200)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Tampering with Public Records.</b> When knowing a person does not have authority of anyone entitled to grant it, a person knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written material filed with, deposited in or otherwise constituting a record of public office or public servant. Examples of a record of public office include, but are not limited to, student report cards, attendance records, transcripts, and disciplinary referrals.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Confiscate evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Suspension, on Second Offense</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ Restitution/ Restoration</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Exclusion of school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Technology, Unauthorized Access, Theft, Misuse, or Destruction of Technologies or Technological Information and/ or Does Not Comply with Existing District Technology Acceptable Use Policies.</b>                      Student accesses, or causes to be accessed, a computer or technology system without authorization, and/ or obtains unauthorized technologies services, computer/ technologies software or data, and/ or alters, deletes, tampers with, damages, destroys, or takes data in or from a computer on technologies system, and/ or alters, deletes, tampers with, damages or destroys technological equipment.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Suspension, on Second Offense</li> <li>▪ State Report Form and Incident Report, for Felony Offenses (over \$1,200)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	Parent Contact/ Conference	Yes, if administration deems necessary.
<p><b>Teen Dating Violence.</b>                      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. This behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Victim to nurse's office</li> <li>▪ Contact School Psychologist/ Counselor</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension, if incident occurs on campus</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ School/ Agency Counseling</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> </ul>	Parent Contact/ Conference	Yes.

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Terroristic Threatening.</b> When (1) a person threatens to commit any crime likely to result in death or in serious injury to person or property; or (2) a person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Grades K-2: Exclusion from school activities with Mandatory Parent Conference, on First Offense; Suspension, on Subsequent Offenses.</li> <li>▪ Grades 3-12: Suspension on First Offense.</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ State Report Form, if against an employee</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes, if administration deems necessary.</p>
<p><b>Terroristic Threatening, Security Threat.</b> When a person makes a false statement or statements, (1) knowing that the statement or statements are likely to cause evacuation of a building, place of assembly, or facility of public transportation; (2) knowing that the statement or statements are likely to cause serious inconvenience; or (3) in reckless disregard of the risk of causing terror or serious inconvenience.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Grades K-2: Exclusion from school activities, with Mandatory Parent Conference, on First Offense; Suspension, on Subsequent Offenses.</li> <li>▪ Grades 3-12: Suspension for 5 days, on First Offense.</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ State Report Form, if against an employee</li> <li>▪ Incident Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Tobacco, Possession of.</b> Possession of tobacco products and/ or all other smoking materials.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Confiscate tobacco products and/ or all other smoking materials</li> </ul>	<ul style="list-style-type: none"> <li>▪ Grades K-2: Exclusion from school activities, on First Offense; Suspension, on Subsequent Offenses.</li> <li>▪ Grades 3-12: Suspension on First Offense.</li> <li>▪ SBR</li> <li>▪ School/ Agency Counseling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Denial of Bus</li> <li>▪ Transportation if offense occurs on bus</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>No.</p>
<p><b>Tobacco, Use Of.</b> Use, sale, or transfer of tobacco products and/ or all other smoking materials.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Confiscate tobacco products and/ or all other smoking materials</li> </ul>	<ul style="list-style-type: none"> <li>▪ Suspension, on First Offense.</li> <li>▪ SBR</li> <li>▪ School/ Agency Counseling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Denial of Bus</li> <li>▪ Transportation if offense occurs on bus</li> <li>▪ Detention</li> <li>▪ Disciplinary Probation</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Suspension</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference</p>	<p>No.</p>
<p><b>Unexcused Tardiness.</b> Student has unexcused tardiness to school.</p>	<ul style="list-style-type: none"> <li>▪ Reprimand</li> <li>▪ Staff member completes cut/ late slip and/ or notifies building administrator</li> <li>▪ Notify Visiting Teacher, in cases of Truancy</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Disciplinary Probation</li> <li>▪ No credit for class or day if absence is unexcused</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detention</li> <li>▪ In-School Alternative</li> <li>▪ School/ Agency Counseling</li> <li>▪ Work Assignment</li> <li>▪ Exclusion from school activities</li> </ul>	<p>Parent Contact/ Conference, and review of attendance policy with parent and student.</p>	<p>Yes, if administration deems necessary.</p>

Situation/ Category	Immediate Action by Staff Member Involved	Required Action for Each Occurrence	Additional Consequences/ Discipline <sup>2</sup>	Parent Contact <sup>3</sup>	Referral to Police or Courts
<p><b>Unlawful Sexual Contact III.</b> When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Offender held in building administrator's office</li> <li>▪ Victim to nurse's office</li> <li>▪ Contact School Psychologist</li> <li>▪ Contact RCCSD Public Safety Office</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Suspension for 5 days pending investigation by school administration</li> <li>▪ Disciplinary Probation</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>
<p><b>Weapons/ Deadly Weapons, Possession/ Concealment/ Sale of.</b> Any possession/ concealment/ sale of a weapon/ deadly weapon. The Weapon/ Deadly Weapon list includes, but is not limited to, firearms, pellet guns (hard and soft), BB guns, air guns, bombs, electric weapons, projectile devices, knives with a full blade measure 3" or more, switch-blade knife, mace, pepper gas, bill, blackjack, bludgeon, metal knuckles, slingshot, razor, razor blades, box cutter, xacto knife, bicycle chain, ice pick, Taser, and nonfunctional weapons. Also, any dangerous instrument will be considered a Weapon/ Deadly Weapon when used, displayed in a threatening manner, or attempted to used, to cause death or serious physical injury.</p>	<ul style="list-style-type: none"> <li>▪ Contact building administrator</li> <li>▪ Search the student, his/ her locker, and/ or other personal possessions</li> </ul>	<ul style="list-style-type: none"> <li>▪ SBR</li> <li>▪ Initial suspension for 5 days with mandatory psychological evaluation. Additional days may be added pending investigation.</li> <li>▪ Disciplinary Probation</li> <li>▪ Restitution/ Restoration</li> <li>▪ Incident Report</li> <li>▪ State Report Form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Behavioral Contract</li> <li>▪ In-School Alternative</li> <li>▪ Recommendation for Due Process to Determine Appropriate Disciplinary Action</li> <li>▪ School/ Agency Counseling</li> <li>▪ Denial of Bus Privileges</li> </ul>	<p>Parent Contact/ Conference</p>	<p>Yes.</p>

**OFFICE OF DISTRICT SERVICES**  
1502 Spruce Ave | Wilmington, DE 19805  
[www.redclayschools.com](http://www.redclayschools.com) | 302.552.3700

**Nondiscrimination and Section 504 Notice**

All parties, procedures, and policies of the Red Clay Consolidated School District shall clearly exemplify that there is no discrimination in the recruitment, employment, and subsequent placement, training, promotion, compensation, tenure, and all other terms and conditions of employment over which the Red Clay Consolidated School District Board of Education shall have jurisdiction, or in the educational programs and activities of students on the basis of race, creed, color, religion, national origin, age, sex, sexual orientation, domicile, marital status, handicap, genetic information, veteran status, or any legally protected characteristic. For Title IX inquiries, please contact Debra Davenport, RCCSD Office of Human Resources, at 302.552.3784. For Section 504 inquiries, please contact Sarah Celestin, RCCSD Office of Special Services, at 302.552.7778.