



Red Clay Consolidated School
District

STUDENT CODE OF CONDUCT

Board Approved July 2016

NOTICE OF NON-DISCRIMINATION 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 inquires please contact Debra Davenport at (302) 552-3784. For section 504 inquires please contact Vicki Petrucci at (302) 552-7773.

ACCESS TO PUBLIC RECORDS AND FREEDOM OF INFORMATION ACT (FOIA) REQUESTS

Purpose:

The purpose of this policy is to establish guidelines that govern access to information maintained by the Red Clay Consolidated School District. The Delaware Freedom of Information Act (FOIA) establishes the right of the public to inspect and copy public records (Title 29, Delaware Code, Chapter 100).

This policy is needed to fulfill the requirements of 10003(b) of FOIA, which provides that a public body, including the Red Clay Consolidated School District Board of Education, is to “establish rules and regulations regarding access to Red Clay Consolidated School District public records as well as fees charged for copying of such records.”

This policy is intended to clarify the logistics involved in providing requested information governed by FOIA.

Student Rights

And

Responsibi

lities

*Red Clay Consolidated School District
Student Code of Conduct*



July 2016

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Editor’s 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.

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 Behavior Standards) in all subject areas on their report cards.

STUDENT BEHAVIOR STANDARDS

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

- a) assume responsibility for their own actions;*
- b) respect and believe in themselves and others;*
- c) demonstrate the ability to get along with others;*
- d) understand and respect individual differences;*
- e) obey rules and laws, and understand the consequences of their choices; and*
- f) demonstrates the importance of being generous, kind, and helpful.*

WHAT IS THE CODE OF STUDENT CONDUCT?

The Code is an official declaration of the Red Clay Consolidated Board of Education which:

- a) describes a positive school environment.*
- b) specifies the rights and responsibilities of students.*
- c) defines the attendance policy.*
- d) safeguards the rights of students.*
- e) defines conduct that disrupts a positive environment.*
- f) standardizes procedures for disciplinary action.*

Provisions in the Code 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 CODE IN FORCE?

The Code is in force:

- a) on school property prior to, during, and following regular school hours.*
- b) while students are on the school bus for any purpose.*
- c) at all school sponsored events and other activities where school administrators have jurisdiction over students.*

- d) *off campus. Red Clay 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 students or personnel. 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 Code of Conduct may be subject to disciplinary action.

Additionally, the principal is authorized to take administrative 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 a:

- a) *being positive, not negative.*
- b) *providing full educational opportunities.*
- c) *making behavior improvement is the primary goal in discipline.*
- d) *protecting students from behavior which threatens their health/safety or which interferes with learning.*
- e) *being free of drugs, weapons, and illegal harassment.*

WHO ESTABLISHES A GOOD SCHOOL ENVIRONMENT?

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

STUDENTS

- a) *attend all classes daily and on time.*
- b) *are prepared for class assignments and activities.*
- c) *come to class with appropriate working materials.*
- d) *respect all persons and property.*
- e) *refrain from abusive language and inflammatory actions.*
- f) *conduct themselves in a safe and responsible manner.*
- g) *are healthy, clean, and neat.*
- h) *are responsible for their own work.*
- i) *abide by the rules and regulations set forth by the school and individual classroom teacher.*
- j) *seek changes in an orderly and approved manner.*

PARENTS

- a) *keep in contact with the school concerning their child's progress and conduct.*

- b) insure that their child is in daily attendance and promptly report and explain an absence or tardiness to the school.*
- c) provide for proper immunization as required by state law.*
- d) provide their child with resources needed to complete class work and homework.*
- e) assist their child in being healthy, neat, and clean.*
- f) refrain from abusive language or inflammatory actions.*
- g) bring to the attention of school authorities any problem or condition which affects their child or other children of the school community.*
- h) discuss report cards and work assignments with their child.*
- i) maintain up-to-date home, work, and emergency numbers at the school.*
- j) seek changes in an orderly and approved manner.*

SCHOOL PERSONNEL

- a) are in regular attendance and on time.*
- b) are prepared to perform their duties with appropriate working materials.*
- c) respect all persons and property.*
- d) refrain from abusive language or inflammatory actions.*
- e) conduct themselves in a safe and responsible manner.*
- f) are healthy, clean, and neat.*
- g) abide by the rules and regulations set forth by the school district and this Code in a fair and impartial manner.*
- h) seek changes in an orderly and approved manner.*
- i) maintain an atmosphere, which encourages good behavior.*
- j) plan a flexible curriculum to meet the needs of all students.*
- k) develop a good working relationship among staff and with students.*
- l) encourage the school staff, parents, and students to use the services of community agencies.*
- m) utilize good guidance procedures.*
- n) encourage parents to keep in regular communication with the school.*
- o) provide opportunities for parent participation in affairs of the school.*
- p) encourage and maintain the involvement of students in the operation of the school.*
- q) involve the community in order to improve the quality of life within the school and the district.*
- r) dialogue with parents, students, and other employees with professionalism and caring.*

Definition of Terms for Drug and Alcohol Violations

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

1. **“Alcohol”** shall mean 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.
2. **“Drug”** shall mean 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.
3. **“Drug Paraphernalia”** shall mean 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.
4. **“Prescription Drugs”** shall mean 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 or her professional practice, and which is specifically intended for the student in whose possession it is found.
5. **“Drug-Like Substance”** shall mean 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.
6. **“Non-Prescription Medication”** shall mean any over-the-counter medication; some of these medications may be drug-like substance.
7. **“Look-Alike Substance”** shall mean 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.
8. **“Possess,” “Possessing or “Possession”** shall mean that 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.
9. **“Use”** shall mean that 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.

10. **“Distribute,” “Distributing,” or “distribution”** shall mean 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.
11. **“School Environment”** shall mean 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.
12. **“Expulsion”** is the exclusion of a student from his or her regular school program for a period determined by the 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 school or facility.
13. **“Student Assistance Program”** is a multi-disciplinary team composed of school personnel (teachers, staff administrators, nurses, counselors) and other members of the community. This team has been trained to understand and work on the issues of adolescent chemical use, abuse, and dependency and will play a primary role in the identification and referral process of student’s coming to their attention through the procedures outlined in this policy.

GLOSSARY OF DISCIPLINARY TERMS

Behavioral Contract: *A behavioral contract is 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.*

Denial of Bus Transportation: *Denial of bus transportation is 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: *A detention is an established time when a student is detained in a supervised area.*

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

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

Expulsion: *Expulsion is the exclusion of a student from his/her regular school program for a period determined by the 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 school or facility.*

Hearing 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.*

In-School Alternative: *An in-school alternative is the temporary placement of a student to supervised area.*

Parent Contact/Conference: *A parent contact/conference is a telephone contact or meeting with a parent.*

Re-Admission Conference: *A re-admission conference is required following each suspension in a format mutually agreeable to the principal and parent.*

Referral to Alternative Program: *Referral for placement in an alternative program is the referral of a student in a special program until the student has satisfied the requirements to return to the regular program.*

Referral to Police: *Referral to police is the reporting of an alleged illegal act to a law enforcement agency.*

Referral to the Courts: *Referral to the courts is the filing of a charge of an alleged illegal action with the court having jurisdiction.*

GLOSSARY OF DISCIPLINARY TERMS (CONT'D)

Removal from Class

1. *A teacher may remove a student from class for the remainder of the class period when the student's conduct is seriously disruptive and informal resolution is impracticable. Exclusion may not exceed one class period. The student must be sent to a supervised area designated by the principal.*
2. *An administrator may temporarily remove a student from class if the student's continued attendance in a particular class causes serious disruption of the educational process or presents immediate danger of physical harm to either the student or others. The student will be assigned to a supervised area. Removal from class by an administrator shall not exceed five (5) school days. However, a student may be permanently removed from a particular class after repeated infractions.*

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

Restitution/Restoration: *Restitution/restoration is the payment for and/or restoring of property or articles that have been damaged.*

School/Agency Counseling: *Counseling is a process which takes place in a one-to-one or a small group relationship between student(s) and a professional who is qualified through training and experience to help others understand and reach solutions to various types of personal experiences. Referral to agencies is a recommendation that a student seek help from a public or private agency.*

Suspension: *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 pending a decision on a principal's recommendation for Due Process.*

Work Assignment: *A work assignment is an assigned task that must be completed by the student. The time required should not exceed five (5) hours and should be related to the severity of the offense.*

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 School Board recognizes and supports students' rights and the corresponding students' responsibilities.

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

ATTENDANCE

Philosophical Basis: 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.

Rights

Students have the right:

- 1. To school policies that clearly defines legal absence, unexcused absence, and tardiness. classes daily and on time.*
- 2. To appeal a decision concerning an absence explaining the (excused or unexcused) and shall not be penalized in any way for excused absences. activity shall be considered an excused absence.*
- 3. Where feasible, to make up assignments from their missed during any excused absence, according teachers upon return to school and to complete to the school district regulations concerning the work within*

Responsibilities

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 (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. To request the makeup assignments from their missed during any excused absence, according teachers upon return to school and to complete to the school district regulations concerning the work within*

the length of time specified in the makeup assignments following an absence. district attendance regulations, as outlined on page 21.

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.

Therefore, the unauthorized use of an electronic communication device, including but not limited to cell phones, text messages, etc. is prohibited during the school day or at designated school events. During the school day, students must turn cell phones off and secure them out of sight. Please refer to the Administrative Guidelines (p. 44-1) included in the Code of Conduct for the disciplinary consequences associated with the unauthorized use of electronic communication 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

Philosophical Basis: 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.

Rights

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.*

Responsibilities

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

Philosophical Basis: The degree of student involvement in curriculum development depends upon the age, grade and level of maturity of the student. Curriculum is designed for students; therefore, the student opinion can be extremely important and deserves careful analysis and full consideration.

Rights

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 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. To equal access to any available extracurricular activity corresponding to their interests and abilities.

Responsibilities

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 that will lead to wholesome learning and living.
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 that corresponds to their abilities and interests.

FREE SPEECH/EXPRESSION

Philosophical Basis: One of the basic purposes of schools is to prepare students for responsible self-expression in our society. Self-expression is permitted under the 1st and 14th 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 Code of Conduct. Free expression must not be obscene, libelous, or disruptive.

Rights

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 activities of others.

Responsibilities

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

Philosophical Basis: 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.

Rights

Students have the right:

1. *To receive a written copy of a teacher's grading system systems at the beginning of each course.*

Responsibilities

Students have the responsibility:

1. *To ask for an explanation of a which they do not understand.*

2. To receive an academic grade that is based on academic performance the teacher's grading system and that reflects their abilities and to ask for the student's academic achievement. explanations of grades which they do not understand.
2. To maintain standards of academic performance according to their abilities and to ask for the student's academic achievement. explanations of grades which they do not understand.
3. To be given appropriate notice of when assignments are due.
3. To present assignments when due.
4. To receive written notification of unsatisfactory progress with progress at any time during the marking period. improve their performances.
4. To share notice of unsatisfactory progress with their parents and to improve their performances.
5. Not to have grades used as a disciplinary tool. (cheating, plagiarism, copyright infringements) forfeits this right and will receive no credit for the assignment.
5. To conduct themselves in a manner which A student who engages in academic dishonesty contributes to a good learning environment.

GRIEVANCE PROCEDURES

Philosophical Basis: 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, as outlined on **page 24**.

Rights

Students have the right:

1. To a procedure for expressing and resolving complaints their grievances. This procedure specifies lines involved before using the of communication, time lines, and a method of grievance procedure. appeal.
1. To discuss and to try to resolve their grievances with the person(s) involved before using the of communication, time lines, and a method of grievance procedure. appeal.
2. To participate in the evaluation of and suggest follow the modification to the grievance procedures resolving the through student government or any recognized decision that school group.
2. To state the grievance clearly, to established procedures for grievance, and to abide by the comes as a result of this process.

GRIEVANCE PROCEDURES (CONT'D)

Philosophical Basis: 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, as outlined on **page 24.**

Rights

Responsibilities

Students have the right:

Students have the responsibility:

- | | |
|---|--|
| <p>3. To a procedure for expressing and resolving their complaints their grievances. This procedure specifies lines involved before using the of communication, time lines, and a method of grievance procedure. appeal.</p> <p>4. To participate in the evaluation of and suggest follow the modification to the grievance procedures resolving the through student government or any recognized decision that school group.</p> | <p>3. To discuss and to try to resolve their with the person(s) established procedures for</p> <p>4. To state the grievance clearly, to established procedures for grievance, and to abide by the comes as a result of this process.</p> |
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MARRIAGE, PREGNANCY AND PARENTHOOD

Philosophical Basis:

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.

Rights

Responsibilities

Students have the right:

Students have the right:

1. Students who are married, expectant parents or 1. parents have the right to remain in the regular school program or to attend a special program designed to meet their needs.

Students who are married, expectant parents or parents have the responsibility 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. Students have the right to be referred to a marriage, pregnancy, or parenthood agency for counseling if they request it.

Students have the responsibility to request counseling for marriage, pregnancy, or parenthood.

PUBLICATIONS

Philosophical Basis: 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.

Rights

Responsibilities

Students have the right:

Students have the responsibility:

- 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.*

- 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

Philosophical Basis: 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.

Rights

Responsibilities

Students have the right:

Students have the responsibility:

- 1. To have a safe and positive school environment.*
 - 2. To attend classes without distractions, frictions, and disturbances.*
- 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 attend a school free of drugs and weapons, carrying, or using | 3. To refrain from possessing, illegal drugs and/or weapons. |
| 4. To attend a school free of harassment. have rights. | 4. To respect all persons as individuals who |

SEARCH AND SEIZURE

Philosophical Basis: 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.

Rights

Responsibilities

Students have the right:

Students have the responsibility:

- 1. To privacy in their personal possessions unless the principal or his/her designee has reasonable cause to believe that illegal, harmful or nonschool 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.*

- 1. Not to 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 activity 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 (mesh tops, midriff tops, tank tops, tube tops, short shorts, etc.) 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 (i.e. alcohol, drugs, etc.) or immoral behavior are not allowed.*
- 5. Removal of accessories (jewelry, dangling scarves, etc.) 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

Philosophical Basis: 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.

Rights

Students have the right:

1. *To form and operate a student government within their particular school under the direction and concerns 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 any faculty member as sponsors for their school’s government organization.*
3. *To seek office in student government regardless of race, sex, color, creed, political beliefs, or manner with all due respect provided academic standings.*
4. *To attend official student government meetings as student government officers and*

Responsibilities

Students have the responsibility:

1. *To work, as members of the student government, on the needs and expressed by the student body.*
2. *To get the prior consent of recommended.*
3. *To conduct election mature other candidates.*
4. *To participate regularly and to themselves in an appropriate*

manner; to representatives in accordance with school leadership in school regulations.

demonstrate positive government, and to operate within district and school regulations.

STUDENT RECORDS

Philosophical Basis: 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. 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.

Rights

Students have the right:

1. Students who are **eighteen years** of age or older and parents of students who are under ample eighteen years of age have the right to inspect and review their inspect, review, and challenge the information records. Eligible students and parents have the contained in the student's records within district responsibility to meet their financial obligations guidelines. The school personnel shall provide as it relates to school fees or fines. 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.

Responsibilities

Students have the right:

1. Eligible students and parents have the responsibility to give school personnel notice that they want to inspect, review, and challenge the information records. Eligible students and parents have the responsibility to meet their financial obligations guidelines. The school personnel shall provide as it relates to school fees or fines. 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. Eligible students and parents or guardians have release of personally identifiable information to the responsibility to release information to those unauthorized persons. 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 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 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 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.

SCHOOL ATTENDANCE (CONT'D)

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.

DEFINITION

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. 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.

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.

SCHOOL ATTENDANCE (CONT’D)

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.” Such reasons as car trouble, personal business, heavy traffic, need at home, etc., while understandable, 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 home.

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.

SCHOOL ATTENDANCE (CONT'D)

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.

Note: *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: A. Where it is alleged that any student or group of students:

- 1. are being denied access to an appropriate educational opportunity;*
- 2. are being denied participation in any school activity for which the student is eligible;*
- 3. are being denied the opportunity to compete for a position in an activity where the selection is limited;*
- 4. are being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.*

B. 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:

- Submission to verbal or physical conduct made as a term or condition of the student's education.
- 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.
- 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:

- Harassment of a student(s) by another student(s)
- Harassment of a student(s) by a staff member(s)
- 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:

- Members of the student's own sex.
- 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.

- *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.*
- *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 FOR 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:

- A. *Forbids Bullying*
- B. *Forbids Retaliation against those who report bullying*
- C. *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*
- D. *Requires each school district to adopt a school-wide bullying prevention program*
- E. *Requires each school to create a coordinating committee*
- F. *Requires schools to review and supervise non-classroom areas*
- G. *Sets forth reporting requirements and investigative procedures*
- H. *Requires report to DE DOE all confirmed bullying incidents*
- I. *Sets forth appropriate range of consequences for Bullying*
- J. *Sets forth procedures for notification to student/caregiver for information on bullying activity*
- K. *Is implement 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 Red Clay's harassment complaint officials:

*Sam Golder, Director of Secondary School Operations
1502 Spruce Avenue
Wilmington, DE 19805
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:

*Hugh Broomall, Deputy Superintendent
1502 Spruce Avenue
Wilmington, DE 19805
552-3706*

or another high-level official specifically trained in handling such complaints at district level. Red Clay 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.

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, field trip buses, etc.)

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 Pre-K to 3rd the Bus Safety Rules are presented to all students in the 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 (Hint: 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-hands, head, hair, feet, etc.***
- 6. Talk quietly-no shouting, screaming, loud noises, etc.***
- 7. Do not throw objects inside, out of the bus or around-keep everything inside your book bag***
- 8. Do not touch emergency equipment-back and side door, windows, roof hatches, first aid and body fluid kits, 2 way radios, etc.***

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

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

Effective May 18, 1998, the Red Clay School District adopted a new drop-off procedure to ensure the safe transportation and delivery of students. The Red Clay 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 five 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:

- Transportation will contact the student's school and report that no one is at the bus stop to receive the child.
- 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.
- **Subsequent Offenses:** Parent will receive a warning indicating additional offenses may result in termination of transportation.
- **Repeated Offenses:** May result in temporary or permanent loss of transportation services, along with a referral to the Division of Family Services.

BUS CHANGE GUIDELINES

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

1. Bus routes and assignments can **ONLY** be changed by the Transportation Department.
2. Once the school makes address and/or 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

Effective September 2001, the Red Clay Consolidated School District began enforcing Title 14 d4115 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 transportation office. 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 bus suspensions, the student may be placed on a bus behavior contract. Subsequent bus referrals may result in extended bus suspensions.

1. Grades Pre-K – 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

Bus Route Problems concerning the bus routes, bus arrival times, etc. should be referred to the Red Clay Transportation office at **302-322-0251**.

EXPULSION

Expulsion is the exclusion of a student from his/her regular school program for a period to be determined by the 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 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 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 re-admission.*
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 District in an alternative school/program housed in a Red Clay school or facility.*

PROCESS TO DETERMINE APPROPRIATE DISCIPLINARY ACTION FOR STUDENTS WITHOUT DISABILITIES¹

SCHOOL LEVEL

1. *When a student allegedly commits a violation of the Code of Conduct that may, in the school administration's judgment, result in a recommendation for 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 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 Process to Determine Appropriate Disciplinary Action, and to explain the reasons for the recommendation.*

If the principal concludes that process to determine appropriate disciplinary action appropriate, 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 three (3) school days following the date of the principal's conference. The student will be excluded from school until appropriate disciplinary action has been determined.

DISTRICT LEVEL

1. *After receipt of the principal's recommendation for Process to Determine Appropriate Disciplinary Action, the appropriate District-Level administrator will forward the recommendation to the Superintendent.*
2. *Within seven (7) school days from the date of the principal's conference, the student and his/her parent(s)/guardian(s) will receive written notice of the 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 three (3) and no*

more than seven (7) school days after the notice is sent, via certified mail, 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 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.
 - 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.

¹ A "student with a disability" refers to a student eligible for special education or related services under the Individuals with Disabilities Act (I.D.E.A.) 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 (s) he be evaluated for eligibility, and the evaluation has not yet been performed, consult Student Services regarding any proposed discipline.

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. The Superintendent or his/her designee shall prepare a written report (the "Report") for review by the District's 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 Board of Education will vote on the Superintendent's recommendation.

BOARD LEVEL

1. The 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 Board'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 Board's expulsion or other disciplinary decision by filing an appeal with the Delaware State Board of Education within thirty days of the student's receipt of the Red Clay Board's decision.

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 placement in an alternative school/ program, the regular school principal will meet with the student and his/her parent(s)/guardian(s) to discuss the parameters and benefits of the alternative placement.

- 2. Placement in an alternative school/program may result from a student's violation of the 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 Code of Conduct and the circumstances involved in the violation.*
- 3. 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;*
 - a. the circumstances which led to the placement;*
 - b. how the alternative school/program is designed to meet the student's particular needs; and*
 - c. the conditions that must be met in order for the student to return to the regular school program.*
- 4. 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 Code.*

DISCIPLINE OF STUDENTS WITH DISABILITIES

- 1. For disciplinary reasons, a principal may change the placement of a student with a disability to an alternative school/program for up to ten (10) school days or suspend such a student, if the total days suspended in the current school year do not exceed ten 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 schoollevel individualized educational plan (IEP) team, or a multi-disciplinary 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 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 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.*

DEFINITIONS USED IN THIS SECTION

"A 'student with a disability' refers to a student eligible for special education or related services under the Individuals with Disabilities Education Act (I.D.E.A.), or a handicapped student, as defined by Section 504 of the Rehabilitation Act of 1973."

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

CHAPTER V

DRUG AND ALCOHOL POLICY

***Adopted by the Red Clay Consolidated School Board of Education March 20,
1991***

PREFACE

It is the responsibility of the Red Clay Consolidated 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 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 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:*

- The parent will be contacted*
- The student will receive a written warning requiring the parent's signature*
- The medication will be confiscated and given to the school nurse*
- 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 definition on page 4).

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 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