

SCHOOL BUS CODE OF CONDUCT POLICY

General Information

Carry Over of Loss of Riding Privilege–Days off of the bus not completed by the end of the school year may be carried over to the following school year for completion at the discretion of the Superintendent/designee and based on the nature of the offense.

Contractor/Driver Meeting Request – Contractors and/or drivers may request a meeting with administration and parents of children in grades K-12 prior to writing the student up.

Grades 1-12 Parent Contact – Drivers and/or contractors are required to contact parents of children in grades K-12 prior to writing the student up. All referrals following the first offense will be handled at the school level.

Highest Offense – If a student commits a series of related offenses on a bus trip, the offense with the highest penalty is to be chosen for action. If it can be determined that more than one offense has occurred which is definitely separate from another, each may be treated as individual offenses on separate forms.

Implementation – Drivers, Contractors and Administrators shall implement this policy in the manner specified. The implementation of this policy is in compliance with Department of Education Regulation 1.7 which requires the school district assume primary responsibility for student conduct.

Student Records – All student offenses reported to the school shall be made a part of the student's discipline record. A new record for the student will be started each school year.

Referrals – Drivers and/or Contractors must turn in a bus referral discipline form to the school's principal/designee within two school days; the principal/designee may initiate a bus referral based on his/her investigation of a student complaint and/or parental/guardian concern regarding a bus discipline matter.

Rudimentary Hearing – (Required) A rudimentary hearing shall be held by principal/designee in all instances where disciplinary action is pending. The rudimentary hearing consists of the following: 1) Oral notice of charges given to student; 2) Review evidence of charges to determine if further disciplinary action is necessary; 3) If student denies charges then the student may: a. explain the evidence against student; b. be given an opportunity to tell his/her version of the events.

Infractions - Infractions are cumulative regardless of offense type or category.

Levels - **D/C** - Driver and/or Contractor **P** - Police
 A - Administrator or Designee **B** - Board
 S - Superintendent or Designee **N/A** - Not Applicable

General Code Violations

No.	Offense	Category	Number of Offenses				
			1	2	3	4	5
M030	Abusive Language (To Driver)	1	D/C, A	A	A	A	S
M115	Biting/Scratching- Broken Skin	2	D/C, A	A	A	A	S
M017	Bus Violation(s) – Other, Specify:	1	D/C, A	A	A	A	S
M008	Defiance of Authority (Disobedience to Bus Driver)	1	D/C, A	A	A	A	S
M117	Destruction of School Property	2	D/C, A	A	A	A	S
M009	Disruption (on Bus After Ordered to Quit)	1	D/C, A	A	A	A	S
M108	Failure to Obey Safety Procedures	1	D/C, A	A	A	A	S
M113	Harassment	2	D/C, A	A	A	A	S
M110	Horseplay and/or Reckless Play	1	D/C, A	A	A	A	S
M010	Inappropriate Behavior, Specify:	1,2	D/C, A	A	A	A	S
M116	Inappropriate Sexual Behavior – District Violation	2	D/C, A	A	A	A	S
M109	Littering	1	D/C, A	A	A	A	S
M137	Major Distraction: Caused Driver to Stop Bus	2	D/C, A	A	A	A	S
M101	Misrepresenting the Truth/Lying	1,2	D/C, A	A	A	A	S
M114	Offensive Touching – District Violation	1,2	D/C, A	A	A	A	S
M118	Possession of Matches, Lighter	2	D/C, A	A	A	A	S

M103	Possession of Unauthorized Comm/Electronic Device	1	D/C, A	A	A	A	S
M001	Profanity, Use of	1,2	D/C, A	A	A	A	S
M011	Stealing/Theft	1,2	D/C, A	A	A	A	S
M006	Tobacco	2	D/C, A	A	A	A	S
M112	Under Age 9 Violation, Specify	1,2	D/C, A	A	A	A	S
M013	Unsafe Items	1,2	D/C, A	A	A	A	S

NOTE: All Disciplinary Infractions listed in Policies #5404 and #5414 are applicable to transportation Code of Conduct for all students.

Category 1 - Minor Offenses - M Codes

Offense # Level Action

1. D/C Turn in discipline form within two (2) school days.
Pre-K, K & 1: Talk to student to resolve problem and contact parent
Drivers encouraged to contact parents of children in grades 2-12 prior to writing up.
Document attempted parental contacts on write-up form.

- A Within two (2) days the school shall:
 - Talk to student to resolve problem – issue verbal warning if appropriate
 - Attempt to contact parent by telephone (administrative documentation required)
 - Send copy of driver’s report to parent by regular mail and a copy home with student
 - In Pre-K – 1, restrict classroom activity, such as missing recess/special activity.
 - Return a copy of discipline form to the driver.

2. D/C Turn in discipline form within two (2) school days.
Pre-K, K, & 1: Talk to student to resolve problem and contact parent.
Drivers encouraged to contact parents of children in grades 2-12 prior to writing up.
Document attempted parental contacts on write-up form.

- A Within two (2) days the school shall:
- Talk to student to resolve problem – issue verbal warning if appropriate
 - Attempt to contact parent by telephone (administrative documentation required)
 - Send copy of driver's report to parent by regular mail and a copy home with student
 - In Pre-K – 1, restrict classroom activity, such as missing recess/special activity.
 - Return a copy of discipline form to the driver.

3. D/C Turn in discipline form within two (2) school days.
Pre-K, K, & 1: Talk to student to resolve problem and contact parent.
Drivers to contact parents of children in grades 2-12 prior to writing up a student for a first offense.
Document attempted parental contacts on write-up form.

- A Within two (2) days the school shall:
- Mandatory Rudimentary Hearing by principal/designee
 - Attempt to contact the parent by telephone
 - Send copy of driver's report to parent by regular mail and a copy home with student.
 - For Pre-K, K, Grade 1 Students: Loss of bus privilege for 1 school day.
 - For Grades 2-12 Students: Loss of bus privilege for up to 3 school days.
 - Loss of bus privilege will start no later than 2 days after the school has notified the parents, unless an appeal is filed.
 - Restrict classroom activities such as missing recess/special activity.
 - Restrict/Revoke field trip if loss of bus privilege occurs on same day as field trip.

4. D/C Turn in discipline form within two (2) school days.
Pre-K, K, & 1: Talk to student to resolve problem and contact parent.
Drivers are required to contact parents of children in grades 2-12 prior to writing up a student for a first offense.
Document attempted parental contacts on write-up form.

- A Within two (2) days the school shall:

- Mandatory Rudimentary Hearing by principal/designee
- Attempt to contact the parent by telephone
- Send copy of driver's report to parent by regular mail and a copy home with student.
- For Pre-K, K, Grade 1 Students: Loss of bus privilege for a minimum of three consecutive school days.
- For Grades 2-12 Students: Loss of bus privilege for up to 5consecutive school days.
- Loss of bus privilege will start no later than 2 days after the school has notified the parents, unless an appeal is filed.
- Restrict classroom activities such as missing recess/special activity.
- Restrict/Revoke field trip if bus suspension occurs on same day as field trip.

5. D/C

Turn in discipline form within two (2) school days.

Pre-K, K, & 1: Talk to student to resolve problem and contact parent.

Drivers are required to contact parents of children in grades 2-12 prior to writing up.

Document attempted parental contacts on write-up form.

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The school will:

- Mandatory Rudimentary Hearing by principal/designee
- Attempt to contact the parent by telephone
- Send copy of driver's report to parent by regular mail and a copy home with student.
- For Pre-K, K, Grade 1 Students: Loss of bus privilege for a minimum of five consecutive school days.
- For Grades 2-12 Students: Requires hearing before Superintendent/designee – may take such disciplinary action deemed appropriate, including, but not limited to loss of bus privilege for up to fifteen consecutive school days.
- Loss of bus privilege will start no later than 2 days after the school has notified the parents, unless an appeal is filed.
- Restrict classroom activities such as missing recess/special activity.
- Restrict/Revoke field trip if loss of bus riding privilege occurs on same day as field trip.
- Requires parent meeting with principal.

NOTE: Students with six (6) or more Category 1 – Minor Offenses will be automatically referred for a hearing with Superintendent/designee. Students will lose bus riding privileges until hearing is held. Hearing will be held within thirty (30) days.

Category 2 - Major Infractions - M CODES

Offense #	Level	Action
1.	D/C	<p>Turn in discipline form within two (2) school days. Pre-K, K, & 1: Talk to student to resolve problem and contact parent. Drivers encouraged to contact parents of children in grades 2-12 prior to writing up. Document attempted parental contacts on write-up form.</p>
	A	<p>Within two (2) days, the school shall:</p> <ul style="list-style-type: none"> • Mandatory Rudimentary Hearing by principal/designee • Attempt to contact the parent by telephone • Send copy of driver's report to parent by regular mail and a copy home with student. • For Pre-K, K, Grade 1 Students: Loss of bus privilege for <u>one school day</u>. • For Grades 2-12 Students: Loss of bus privilege for <u>up to five consecutive school days</u>. • Loss of bus privilege will start no later than 2 days after the school has notified the parents, unless an appeal is filed. • Restrict classroom activities. • Restrict/Revoke field trip if loss of bus riding privileges occurs on same day(s) as field trip.
2.	D/C	<p>Turn in discipline form within two (2) school days. Pre-K, K, & 1: Talk to student to resolve problem and contact parent. Drivers encouraged to contact parents of children in grades 2-12 prior to writing up. Document attempted parental contacts on write-up form.</p>
	A	<p>Within two (2) days, the school shall:</p> <ul style="list-style-type: none"> • Mandatory Rudimentary Hearing by principal/designee • Attempt to contact the parent by telephone • Send copy of driver's report to parent by regular mail and a copy home with student.

- For Pre-K, K, Grade 1 Students: Loss of bus privilege for a minimum of three consecutive school days.
- For Grades 2-12 Students: Loss of bus privilege for up to fifteen consecutive school days.
- Loss of bus privilege will start no later than 2 days after the school has notified the parents, unless an appeal is filed.
- Restrict classroom activities.
- Restrict/Revoke field trip if loss of bus riding privileges occurs on same day(s) as field trip.

3. D/C Turn in discipline form within two (2) school days.
 Pre-K, K, & 1: Talk to student to resolve problem and contact parent.
 Drivers encouraged to contact parents of children in grades 2-12 prior to writing up.
 Document attempted parental contacts on write-up form.

- A Within two (2) days, the school shall:
- Mandatory Rudimentary Hearing by principal/designee
 - Attempt to contact the parent by telephone
 - Send copy of driver's report to parent by regular mail and a copy home with student.
 - For Pre-K, K, Grade 1 Students: Loss of bus privilege for a minimum of five consecutive school days.
 - For Grades 2-12 Students: Loss of bus privilege for up to thirty consecutive school days.
 - Loss of bus privilege will start no later than 2 days after the school has notified the parents, unless an appeal is filed.
 - Restrict classroom activities.
 - Restrict/Revoke field trip if loss of bus riding privileges occurs on same day(s) as field trip.
 - The Superintendent/designee may take any disciplinary action deemed appropriate including but not limited to a suspension from school pending a Board hearing.
 - The hearing will be held within 30 days.

NOTE: Students with four (4) or more Category 2 – Major Offenses will be automatically referred for hearing with Superintendent/designee. Student will lose bus riding privileges until the hearing is held. Hearing will be held within thirty (30) days.

Serious Code and DOE Violations

Serious Law Violations are required to be reported immediately to a building administrator, the Supervisor of Transportation or the Director of Operations. The school official(s) will then consult with the proper authorities and may report, as required by regulation or Delaware Code to the Delaware Department of Education (DOE, if applicable) and to law enforcement (MPD or State Police, as required) under Title 14, Section 4112.

The Superintendent may suspend student from school pending a Board hearing. The hearing is to be held within 30 days. The incident may be reported to the appropriate law enforcement agencies as required. NOTE: The Board may take any action it deems appropriate, including expulsion from school. Board Policy #8504 shall be used in conducting the Board Hearing.

Report these offenses immediately to Principal, Assistant Principal, Supervisor of Transportation or Director of Operations.

Levels:			
A – Building Administrator, Supervisor of Transportation or Director of Operations		L	A
Actions:		E	C
C – Compliance with Title 14, Section 4112 and Milford School District Board Policies #5404 and #5414.		V	T
Note: The following are required to be reported immediately. The school official(s) will then consult with proper authorities and may report to the Delaware Department of Education (DOE, if applicable) and law enforcement (MPD or State Police, as required) under Title 14, Section 4112.		E	I
		L	O
			N
C01	Violent Felony (C0101 – C0157)	A	C
C02	Assault III	A	C
C03	Unlawful Sexual Contact III	A	C
C04	Offensive Touching (Employee Victim)	A	C
C05	Terroristic Threatening (Employee victim)	A	C
C06	Weapons Offenses (C0601 – 0626)	A	C
C07	Prohibited Controlled Substances – Title 16 (C0701 – C0713)	A	C
D01	Pornography: Possession and Production	A	C

D02	Bomb Threats	A	C
D03	Criminal Mischief (Vandalism)	A	C
D04	Tampering With Public Records	A	C
D05	Alcohol, Possession and Use	A	C
D06	Felony Theft (\$1000 or more)	A	C
D07	Bullying	A	C
D08	Offensive Touching (Student Victim)	A	C
D09	Terroristic Threatening (Student Victim)	A	C
D10	Sexual Harassment (Student Victim)	A	C
D11	Fighting/Disorderly Conduct	A	C
D12	Inhalants	A	C
D13	Drug Paraphernalia	A	C

Category 3 – Serious Law Violations - C & D Codes

Levels

A – Building Administrator, Supervisor of Transportation or Director of Operations

Actions

C – Compliance with DE Code, Title 14, Section 4112 and the requirements of the Milford School District Board Policies #5404 and #5414.

Additionally, all of the following apply:

- Referral to law enforcement agencies if required by policy.
- Required report and/or referral to Milford Board of Education through the Superintendent
- Required three-day loss of bus riding privileges by the principal
- Special Education Students – Review by Psychologist and Child Study Team to determine if offense due to the child's specific handicap. Refer to Board Policy No. 5416. (Administrator may hold case in committee for procedural matters.)
- Required Title 14, Section 4112 notification to parents about referral to law enforcement and Superintendent and/or Board of Education as applicable.
- Superintendent may continue loss of bus riding privileges if determined to be necessary or until Board hearing (to be scheduled within 30 days).
- Administrators must give a rudimentary hearing:
 - (1) Oral notice of charges to student.
 - (2) If charges are denied, then,
 - (A) Explanation of evidence against student, and
 - (B) Student given opportunity to tell his/her version.

- The Board may take any disciplinary action it deems appropriate, including expulsion. In exercising its discretion, the Board may select from among the following alternatives, or it may fashion or impose any other discipline which is reasonable when applied to the case under consideration.
 - (1) Probation for rest of school year.
 - (2) Probation as specified above, plus any one or more of following alternatives, with duration being determined by Board:
 - (A) Detention.
 - (B) Withdraw driving privileges on school property.
 - (C) Psychological testing by a school psychologist.
 - (D) Counseling from social service agency/private counseling service at expense of student/parent/guardian.
 - (E) Community service (tasks to be assigned by Principal).
 - (1) School (after school hours or on weekends).
 - (2) Community (non-profit service organizations).
 - (F) Non-participation in school activities.
 - (G) Non-attendance at school activities.
 - (H) Restitution for damages caused by student.
 - (I) Behavior contract/agreement prepared by Principal or child study team (for special education students).
 - (3) Suspension
 - (4) Expulsion

Gun Free School Act of 1994

The Federal Gun-Free Schools Act of 1994, described in Milford Board of Education Policies #5404 & #5414, will be applied to the Bus Discipline Code as well.

Student Appeal Process for Bus Discipline

Student alleges that he/she did not commit the offense or that the action taken is more severe than the bus discipline policy requires, an appeal may be filed, by the student or by the parent/guardian on the student's behalf. All appeals shall be made to the school principal or his/her designee for action within 2 school days of the charge. The right of appeal shall exist for any offense described in this policy. Upon the filing of an appeal in proper form by the student and/or the student's parent or guardian, the student's bus privileges shall be reinstated pending the final outcome of the appeal, except in those circumstances where the School Principal certifies, in writing, that based upon the facts and circumstances of the incident, allowing the student to return to the bus would create the probability of physical harm to the offending student, the bus driver, or to other students on the bus. In the event of such a certification, the suspension shall remain in effect until the appeal is disposed of.

All appeal decisions by the principal shall be final, except in cases where the students would lose their ability to ride the bus for 3 days or more. In those cases, the student shall have the right to appeal the principal's decision to the Superintendent and to the Milford Board of Education.

In appeals made to the Superintendent, the following student rights shall be observed:

1. Student may notify parents and parents may attend.
2. School district shall notify parents when an appeal is filed.
3. Student shall inform the Superintendent of the facts.
4. Student may present information or interpretations on his/her own behalf.
5. Superintendent may procure information from the driver and the riders.
6. Superintendent shall notify student of his/her decision within three (3) school days.

In appeals made to the Board, the following student rights shall be observed:

1. A hearing shall be granted by the Board upon receipt of a written request signed by the student or parent stating he/she desires a hearing. The Board shall hold a hearing with the parent/student within 30 days after receipt of the appeal. The Board shall submit its written decision within ten (10) school days following the hearing. The decision of the Board shall be final unless appealed.
2. The accused student shall be apprised of his/her rights.
3. The parents or guardians of the student shall be informed of the procedures for a formal hearing.
 - a. the right to appear before the Board of Education
 - b. the right to be represented by legal counsel or advisor
 - c. the right to have witnesses and to cross-examine opposing witnesses
 - d. the right to either a public or private hearing
 - e. the right to testify and present evidence
 - f. the right to notice of the date, time, and location of the proposed hearing.
4. The school officials shall assure that appropriate records of the hearing be kept.
5. The accused shall be informed by written notice of the decision rendered and the basis for such action.
6. The accused person shall have the right to appeal final decisions by the Milford Board of Education to the State Board of Education within thirty (30) days in accordance with State Board Regulations.

The Milford School District is an Equal Opportunity Employer and does not discriminate in employment or in educational programs, services or activities on the basis of race, color, national origin, sex, sexual orientation, age, disabilities, marital status, genetic information or Veteran Status. If any person has a complaint alleging any action which is prohibited by this policy, they should contact the Title IX Coordinator or the District 504 and ADA Coordinator, 906 Lakeview Avenue, Milford, Delaware 19963. Telephone (302) 422-1600.

ADOPTED: 12/15/86; 7/20/87; 1/25/88; 7/11/88; 7/10/89; 7/9/90; 5/20/91; 6/3/91; 6/22/92; 7/12/93; 6/27/94; 11/28/94; 6/26/95; 6/24/96; 6/25/01; 6/20/05

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