

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

5414

STUDENT CODE OF CONDUCT: ELEMENTARY SCHOOLS GRADE K THROUGH 5
SCHEDULE OF SINGLE OFFENSES AND ACTIONS

| No | Offense | Category | Number of Offenses | | | |
|------|---|----------|--------------------|---|---|---|
| | | | 1 | 2 | 3 | 4 |
| | Levels: T – Teacher/Staff (including drivers and contractors) A – Administrator P – Police C – Committee B – Board | | | | | |
| M030 | Abusive/Inappropriate Language | 1 | T | T | A | A |
| M014 | Academic Cheating | 1 | T | T | A | A |
| S014 | Academic Cheating | 3 | A | A | | |
| S018 | Acceptable Use Policy Violation | 3 | A | A | | |
| D05 | Alcohol, Possession and Use | 4 | A (B, P) | | | |
| C02 | Assault III | 4 | A (B, P) | | | |
| S016 | Attorney General Report | 3 | A | A | | |
| D02 | Bomb Threats | 4 | A (B, P) | | | |
| D07 | Bullying | 4 | A (B, P) | | | |
| M118 | Cell phone possession | 2 | T | A | A | A |
| D03 | Criminal Mischief (Vandalism) | 4 | A (B, P) | | | |
| S008 | Defiance of School Authority | 3 | A | A | | |
| M008 | Defiance of School Authority | 1 | T | T | A | A |
| M117 | Destruction of School Property | 2 | T | A | A | A |
| M119 | Disruption of Bus, causing driver to stop | 2 | T | A | A | A |
| M009 | Disruption of Educational Process or Bus Transportation | 1 | T | T | A | A |
| M029 | Dress Code Violation | 1 | T | T | A | A |
| D13 | Drug Paraphernalia | 4 | A (B, P) | | | |
| M108 | Failure to Obey Safety Procedures | 1 | T | T | A | A |
| S020 | Failure to Perform Properly during ISS/ISD | 3 | A | A | | |
| D06 | Felony Theft (\$1000 or More) | 4 | A (B, P) | | | |
| D11 | Fighting/Disorderly Conduct | 4 | A (B, P) | | | |
| S015 | Fire Alarm Incident | 3 | A | A | | |
| M105 | Forgery or School Paperwork Destruction | 2 | T | A | A | A |
| M113 | Harassment – School Violation | 2 | T | A | A | A |
| M110 | Horseplay and/or Reckless Play | 1 | T | T | A | A |
| S010 | Inappropriate Behavior (M113, M114, M115, M116) | 3 | A | A | | |
| M116 | Inappropriate Sexual Behavior | 2 | T | A | A | A |
| D12 | Inhalants | 4 | A (B, P) | | | |
| S005 | Leaving School Ground | 3 | A | A | | |
| M101 | Misrepresenting the Truth | 1 | T | T | A | A |
| M114 | Offensive Touching – School Violation | 2 | T | A | A | A |
| C04 | Offensive Touching (Employee Victim) | 4 | A (B, P) | | | |
| D08 | Offensive Touching (Student Victim) | 4 | A (B, P) | | | |
| D01 | Pornography: Poss & Prod | 4 | A (B, P) | | | |

| No. | Offense | | Number of Offenses | | | |
|------|---|---|--------------------|---|---|---|
| | | | 1 | 2 | 3 | 4 |
| | Levels: T – Teacher/Staff (including drivers and contractors) A – Administrator P – Police C – Committee B – Board | | | | | |
| C07 | Prohibited Controlled Substance – Title 16 C0701 – 713 Specify: _____ | 4 | A (B, P) | | | |
| D10 | Sexual Harassment (Student Victim) | 4 | A (B, P) | | | |
| S011 | Stealing | 3 | A | A | | |
| M011 | Stealing/Theft | 2 | T | A | A | A |
| D04 | Tampering with Public Reports | 4 | A (B, P) | | | |
| C05 | Terroristic Threatening (Employee Victim) | 4 | A (B, P) | | | |
| D09 | Terroristic Threatening (Student Victim) | 4 | A (B, P) | | | |
| S006 | Tobacco | 3 | A | A | | |
| M027 | Trespassing – School Violation | 2 | T | A | A | A |
| S027 | Trespassing – School Violation w/o Permission | 3 | A | A | | |
| M111 | Unauthorized Area / Leaving Area | 2 | T | A | A | A |
| M112 | Under Age 9 Violations: Specify _____ | 2 | T | A | A | A |
| C03 | Unlawful Sexual Contact III | 4 | A (B, P) | | | |
| M013 | Unsafe Items | 2 | T | A | A | A |
| S013 | Unsafe Items | 3 | A | A | | |
| M001 | Use of Profanity | 1 | T | T | A | A |
| C01 | Violent Felony (C0101 - 157) Specify: _____ | 4 | A (B, P) | | | |
| C06 | Weapons Offenses (C0601 – 626) Specify: _____ | 4 | A (B, P) | | | |

GUN FREE SCHOOLS ACT OF 1994

WEAPONS IN SCHOOL

The Board of Education recognizes that students and staff must be provided with a safe and secure environment for learning, free from fear, harassment or injury caused by the possession of weapons in school. In compliance with the Federal Gun-Free Schools Act of 1994, the district adopts the following policy:

Possession of a weapon, as hereafter defined, on school property, in a school bus, at any school-sponsored co-curricular or extra-curricular activity, shall result in expulsion for a period of not less than 180 school days. The superintendent shall modify the expulsion requirement to the extent a modification is required by Federal or state law in respect to students who have been determined to have disabilities. The procedures by which this policy will be implemented are contained in the district's Student Code of Conduct.

Weapon/Dangerous Instrument - any instrument from which a shot may be discharged, including the discharge of a pellet, slug, bullet, or BB shot by compressed air or by spring discharge; a knife of any sort; switchblade knife; billy club; blackjack; bludgeon; metal knuckles; slingshot; razor, bicycle chain; ice pick; or any other article commonly used or designated to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes.

X - The following are required:

- Refer to Superintendent or his/her designee for a Superintendent Hearing.
- Required notification of parents about referral to Superintendent.
- Superintendent shall suspend students who are charged with "Violation of Board/Superintendent's Probation" until hearing (to be scheduled within 15 class days.)
- Administration 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.
- Special Education Students - Review by Psychologist and IEP Team to determine if offense due to the child's specific handicap. Refer to Board Policy #5416.
- Required one of the following Superintendent's options:
 - (1) Review Program.
 - (2) Refer to other agencies.
 - (3) Probation.
 - (4) Any penalty in this system.
 - (5) Order student withdrawn from school.
 - (6) Refer to law enforcement agency.
 - (7) In case of guilt of Board probation, execute the Board's directive to expel the student.
- Parents or students have the right to appeal the decision of the Superintendent to the Board of Education.

LEVELS:

A – Administrator C – Committee IST – Instructional Support Team/Class ACT
 T – Teacher P – Police IEP – Independent Education Plan for Special Education Students
 C – Committee B – Board
 D/C – Driver and/or Contractor

CATEGORY 1

| <u>Offenses</u> | <u>Level</u> | <u>Action</u> |
|-----------------|--------------|---|
| 1 | T, D/C | 30 minutes isolation with supervision (in classroom/bus) Parent contact - by phone or by mail (administrative contact optional) Submit discipline form within 1 school day for discipline tracking purposes. |
| 2 | T, D/C | Up to 60 minutes isolation during or after school with supervision (in classroom/bus) Parent contact - conference required Parent permission required prior to after-school isolation (administrative contact optional) Administration will make contact with the student. Submit discipline form within 1 school day for discipline tracking purposes and administrator follow-up. |
| 3 | A | Up to 2 hrs in-school detention or after school detention (maximum 1 hr) Parent conference Classroom activities such as recess or special activities may be restricted. If the 3 offenses are bus only: 1-day suspension from the bus for students in Pre-K, K, & grade 1, and 3-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked. |
| 4 | A | Refer to IST/Class ACT or IEP team (teacher). School Suspension/In-School Detention—up to one day. Parent conference Classroom activities such as recess or special activities may be restricted. If the 4 offenses are bus only: 3-day suspension from the bus for students in Pre-K, K, & grade 1, and 5-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be |

- 5 A restricted or revoked.
 School Suspension/In-School Detention—up to two days.
 Parent conference with administrators and teachers.
 Classroom activities such as recess or special activities may be restricted.
 If the 5 offenses are bus only: 5-day suspension from the bus for students in Pre-K, K, & grade 1, and 15-days suspension from the bus for students in grades 2-5.
 Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed.
 If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked.
 Parent meeting with the principal is required.

Payment for damages may be required for offenses in school or on the bus.

NOTE: Students continuing to accrue offenses will automatically be referred for a rudimentary hearing, and will be suspended from school or the bus until the hearing is held. The hearing will be held within thirty (30) days.

CATEGORY 2

| <u>Offenses</u> | <u>Level</u> | <u>Action</u> |
|-----------------|--------------|--|
| 1 | T | Up to 60 minutes isolation with supervision (in classroom) Parent contact - conference required Administration will make contact with the student. Submit discipline form within 1 school day for discipline tracking purposes and administrator follow-up. |
| 2 | A | Up to 3 hrs in-school detention (in office) or after school detention (maximum 1 hr) Parent conference Classroom activities such as recess or special activities may be restricted. If the offenses are bus only: 1-day suspension from the bus for students in Pre-K, K, & grade 1, and 3-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked. |
| 3 | A | Refer to IST/Class ACT or IEP team (teacher) School Suspension/In-School Detention up to 1 day Parent conference Classroom activities such as recess or special activities may be restricted. If the offenses are bus only: 3-day suspension from the bus for students in Pre-K, K, & grade 1, and 5-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked. |
| 4 | A | Refer to IST/Class ACT or IEP team (teacher). School Suspension/In-School Detention up to 2 days Parent conference with principal and teacher Classroom activities such as recess or special activities may be restricted. If the offenses are bus only: 5-day suspension from the bus for students in Pre-K, K, & grade 1, and 15-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. |

When a bus suspension occurs, the student will be suspended from any bus he/she rides including, but not limited to, field trips, mentoring, tutoring or any before or after school activity.

Payment for damages may be required for offenses in school or on the bus.

CATEGORY 3

| <u>Offenses</u> | <u>Level</u> | <u>Action</u> |
|-----------------|--------------|--|
| 1 | A | <p>School Suspension/In-School Detention up to 2 days Parent conference required between parent and administrator, and may include teacher, contractor and/or driver. Rudimentary Hearing may be held. Classroom activities such as recess or special activities may be restricted.</p> <p>If the offense is bus only: 3-day suspension from the bus for students in Pre-K, K, & grade 1, and 15-days suspension from the bus for students in grades 2-5 Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked.</p> |
| 2 | A | <p>Refer to IST/Class ACT or IEP team (teacher). School Suspension up to 3 days Parent conference required between parent and administrator, and may include teacher, contractor and/or driver. Mandatory Rudimentary Hearing by Superintendent/designee will be held. Classroom activities such as recess or special activities may be restricted.</p> <p>If the offenses are bus only: 5-day suspension from the bus for students in Pre-K, K, & grade 1, and 30-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked.</p> |
| 3 | A | <p>School Suspension up to 5 days pending a mandatory rudimentary hearing. If the offenses are bus only: 5-day suspension from the bus for students in Pre-K, K, & grade 1, and 30-days suspension from the bus for students in grades 2-5. Bus suspensions start no later than 2 days after the school has notified the parents, unless an appeal is filed. If the bus suspension occurs on the same day as a field trip, the field trip will be restricted or revoked. Parent meeting with the principal is required. Mandatory Rudimentary Hearing by Superintendent/designee will be held.</p> |

Payment for damages may be required for offenses in school or on the bus.

NOTE: Students with four (4) or more Category 3 Offenses will be automatically referred for hearing with Superintendent or designee. Student will be suspended from school or the bus until the hearing is held. Hearing will be held within thirty (30) days.

CATEGORY 4

| <u>Offenses</u> | <u>Level</u> | <u>Action</u> |
|-----------------|--------------|---|
| 1 | A | School Suspension, up to 5 days – Pending a Mandatory Rudimentary Hearing Referral to superintendent or designee |
| | B | Notification of board |
| | P | Police |
| 2 | A | School Suspension up to 10 days, after consultation with Superintendent or designee Referral to Superintendent or designee for a Mandatory Hearing |
| | B | Notification of Board |
| | P | Police |

REQUIREMENTS

1. Student Record - All discipline offenses shall be made a part of the student's discipline record. A new record for the student will be started each school year. Discipline forms must be turned in within 1 school day. If a Category 4 offense has occurred, it must be reported immediately to the building administration. Copies of referrals submitted will be processed, with a copy sent to parents and a copy returned to the teacher or driver and contractor.
2. Implementation - All employees shall implement the elementary school discipline policies as required by the schedule of offenses, levels and actions.
3. Bus Discipline – Appropriate behavior on the bus is critical to the safety of every passenger on the bus, pedestrians, and other motorists. Distractions that constitute significant safety risks and require the bus driver to make a non-designated stop are taken seriously. They will result in a minimum 3-day bus suspension.
4. Multiple Offenses - If a student commits more than one offense, the offense with the highest penalty is to be chosen for action.
5. Cumulative Offenses - When a student has an accumulation of four offenses, they are to be referred to IST/Class ACT or IEP team.
6. Parent Meeting Request and Parent Communication – Teachers, contractors and drivers are required to attempt to contact parents and/or building administrator of preK, kindergarten and 1st grade students prior to the first write-up. This is to enlist the assistance of parents in correcting the problem before a write-up is issued. Teachers, contractors and drivers are encouraged to contact parents of children in grade 2-5 and/or building administrator prior to writing up the students, particularly before the first write-up.
7. At any point, teachers, contractors and drivers may request a meeting with administration and parents in order to address discipline concerns. Parents may also request a meeting in order to address concerns wherein the teachers, contractors and drivers will be asked to attend.
8. Rudimentary Hearing
 - a. Oral notice of charges to student
 - b. If charges are denied, then
 1. Explanation of evidence against student, and
 2. Student given opportunity to tell his/her version.
9. Parent/Student Conference - See Board Policy #5408.
10. Suspension And Expulsion Of Pupils - Elementary Schools - See Board Policy #5410.
11. For Category 4, all of the following apply:
 - Referral to law enforcement agencies if required by policy.

- Referral to Superintendent, who may refer to Milford Board of Education.
- Required three-day suspension by the principal.
- Special Education Students - Review by Psychologist and IEP to determine if offense due to the child's specific disability. Refer to Board Policy No. 5416.
- (Administrator may hold case in committee for procedural matters.)
- Required notification of parents about referral to law enforcement and possibly to Board.
- Superintendent may continue suspension until Board hearing if required (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 for rest of school career.
 - (3) Probation as specified above, plus any one or more of the following alternatives, with the duration being determined by the Board:
 - (A) Detention.
 - (B) Psychological testing by a school psychologist.
 - (C) Counseling from a social service agency or private counseling service at expense of student or parent/guardian.
 - (D) Community service (tasks to be assigned by the Principal).
 - (4) School (after school hours or on weekends).
 - (5) Community (non-profit service organizations).
 - (6) Non-participation in school activities.
 - (7) Non-attendance at school activities.
 - (8) Restitution for damages caused by student.
 - (9) Behavior contract or agreement prepared by the Principal or child study team (for special education students).
 - (10) Suspension.
 - (11) Expulsion.

Removal of Students from Class or Other School Activity:

Faculty and administration have authority over student conduct at all times during school and school related activities outside the school day, including riding buses. Students will be removed from a class or any school activity based upon the judgement of the teachers and administrators. Criteria for the removal of students include the safety of themselves and others, any form of violence, persistent disruption that interferes with the learning of anyone, prevention of such situations and a compelling need to speak to the student privately. In using their judgement to remove a student from any situation, the staff will use the Milford School District Student Code of Conduct as the guide for their decisions. Listed below are some examples of discipline infractions where a student might be removed from a class or activity. It should not automatically be assumed that every case of a student being removed from an activity will be permanent and/or will result in a disciplinary action. Due process and an examination of the facts will determine this, as with any other disciplinary situation or other circumstances. When a punishment or penalty is given to a student, it will be at the discretion of the school authorities and based upon the Code of Conduct. Corporal punishment is not one of the options within the code.

When students are to be removed from a class or school activity during the school day, an adult staff member will escort them to the appropriate school office. For the safety of themselves and others, students will not be sent out of class to report to the office alone or with another student. If a student needs to be removed from an area because of circumstances similar to those described above, the teacher will contact the office or follow the procedures established in that school to summon assistance to remove the student. If immediate violence is a consideration, the staff member will take whatever steps are reasonably necessary to prevent the situation from escalating and separate anyone they deem necessary. If the student refuses to leave the area and go to the area

designated by the adult staff member, the police will be summoned to remove the student, with reasonable force, if necessary, at the discretion of the police. Charges will be filed at the discretion of the administration, involved faculty and police.

Removal from a class or activity may be permanent or temporary. The teacher and principal will determine the terms of the removal by applying the Code of Conduct, other rules or policies governing the activity and the needs of the student and the other students involved. If the teacher and principal do not agree on the outcome, the principal will give a written explanation to the teacher within three working days. In a few cases, a formal hearing may be held before the superintendent or his designee to determine the status of the student relative to enrollment and/or participation in the class or activity. School board policies for hearings and state law apply to these circumstances.

INSTRUCTIONAL SUPPORT TEAM (IST)/Class ACT/IEP

The Class ACT team or IEP team will function as a support system to classroom teachers in handling difficult and/or persistent discipline problems. The primary focus of the teams in cases of discipline will be to review discipline offenses and to make recommendations to improve the child's behavior. Brainstorming will be encouraged as a way of working out creative solutions to provide support to the regular classroom teacher and to assist the child in a behavior improvement program. In general, the teams will provide a positive, proactive approach to discipline management, rather than a punitive approach. The format of Functional Behavior Assessment/Behavior Intervention Plan (FBA/BIP) may be used to guide the discussions and work toward improvement.

NON-SPECIAL EDUCATION STUDENTS:

IST/Class ACT team may consist of:

1. The building principal
2. The child's teacher
3. One other professional staff member (such as regular teacher, behavior specialist, special education teacher, or counselor).
4. Counselor from outside agency
5. School psychologist
6. Nurse

STUDENT DISCIPLINE: ALTERNATIVES FOR THE IST/Class ACT /IEP TEAM

1. Behavior contract
2. Peer mediation can be used for ongoing conflicts
3. Counseling with the elementary counselor
4. Counseling at an outside agency
5. Consultation with the school psychologist
6. Referral to other agencies, such as DCPS-DFS
7. Increase parental involvement
8. After school detention with parent approval (not more than one (1) hour)
9. Suspension: in- or out-of-school
10. Other unique alternatives may be developed by the team to be implemented with the principal's approval.
11. Refer to Superintendent or designee.

29i HARASSMENT

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

SEXUAL HARASSMENT BY DISTRICT STUDENTS

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the Civil Rights Act of 1964, which protects persons in the work place, and Title IX of the Education Amendments of 1972, which protects persons from sex discrimination at school. Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by threats relating to job or school performance and evaluation; and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- **written contact**--suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- **visual contact**--sexually suggestive looks or gestures, displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
- **verbal contact**--sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- **physical contact**--uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- **retaliation**--any action taken or threatened against another person for complaining about any of the behaviors described above.

If you believe your child is the subject of sexual harassment or if you become aware of an instance of sexual harassment, you should report the circumstances immediately to a teacher or the principal or assistant principal of your school, to the Superintendent of the school district, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to district staff must be reported by such staff to the Milford School District Title IX Coordinator (Director of Personnel) at the administrative office.

Upon receiving notice of a complaint of sexual harassment concerning a school district student, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible.

A school district student who is found to have committed sexual harassment toward another student or staff member will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, the placing of the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

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

Harassment or misconduct that is based upon a person's race, national origin, disability, religion, sexual orientation, or similar characteristic by a student directed against or toward another person that occurs on the school district's premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic.
2. Oral or written words communicated by any student to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic.
3. Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.
4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in Nos. 1-3 above.

If you believe your child or another person is the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting harassment. All complaints made to district staff must be reported by such staff to the Milford School District Title IX Coordinator (Director of Personnel) at the administrative office.

Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible.

A school district student who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include placing the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

SCHOOL BULLY PREVENTION POLICY

The Milford School District (the "District") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and all employees.

I. Prohibition of Bullying

To further these goals, and as required by 14 *Del. C.* 4112D, the District prohibits the bullying of any person on

school property, at school functions, by use of data or computer software accessed through a computer, computer system, computer network or other electronic technology of the District from grades kindergarten through grade twelve. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.¹

II. Definition of Bullying

As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of:

- A. Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being, or substantial damage to his or her property; or
- B. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions, or due to a power differential between the bully and the target; or
- C. Interfering with a student having a safe school environment necessary to facilitate educational performance, opportunities or benefits; or
- D. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

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

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

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

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

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

1. Denigration: spreading information or pictures to embarrass,
2. Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,
3. Exclusion: isolating an individual from his or her peer group,
4. Impersonation: Using someone else's screen name and pretending to be them
5. Outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted touching of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is not exhaustive. Such actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other District policies or building, classroom or program rules.

¹ Legal or Regulatory Requirements are in *italics* throughout.

III. School-wide Bully Prevention Program

The District is committed to support each school in their adoption of a school-wide bully prevention Program. Each school is directed to develop or adopt a school-wide, research-based bully prevention program. A Coordinating Committee will be created, as described in Section IV of this policy.

IV. Coordinating Committee

Each school shall establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program.

V. Reporting Requirements

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously. Any school employee with reliable information that would lead a reasonable person to suspect a person is a target of bullying shall immediately report it to the administration.

VI. Investigative Procedures

- A. Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred.
- B. All confirmed bullying incidents must be reported to the Department of Education by the principal or the principal's designee within five (5) working days.
- C. Some acts of bullying may also be crimes which must be reported to the police and/or the department of education pursuant to the school crime reporting law (14 *Del. C.* § 4112)

VII. Non-Classroom Supervision

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

VIII. Consequences for Bullying

The following, including a combination of the following, may be considered by administrators to be the appropriate range of consequences for bullying:

- A. Time-out.
- B. Loss of privileges.
- C. Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
- D. Notices to parent.
- E. Serious talk with school staff member.
- F. Serious talk with school staff member with parents present.
- G. Behavioral report cards sent home.
- H. Creation of a behavior contract.
- I. In-school suspension.
- J. Detention.
- K. In-school suspension for up to five days.
- L. Reassignment of seats in class, lunch or on bus.
- M. Forbidden to enter certain areas of school.
- N. Reassignment of classes.
- O. A referral to an external agency

- P. Reassignment to another school, or another mode of transportation.
- Q. Expulsion.
- R. Report to Law Enforcement officials

VII. Retaliation

Retaliation for reporting bullying is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act. The potential consequences for retaliation are as set forth in the preceding section.

X. Procedure to Communicate with Medical and Mental Health Professionals.

The following procedures for communication between school staff members and medical professionals who are involved in treating students for bullying issues must be followed:

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 *Del. C.* § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPPA and FERPA guidelines.
2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to the parent's child.
3. After confirmation that a child has been involved in a bullying incident, if the administrator's designee recommends a mental health evaluation be completed, the school may:
 - a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
 - b. Require that the student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
4. A summary of the evaluation shall be shared at a meeting with student, parent/guardian and school administrator's designee) prior to return to school or the general population.

XI. Implementation

The school bullying prevention program must be implemented throughout the year.

XII. Accountability

Each school shall notify the District in writing of its compliance with this policy and submit a copy of the procedures adopted under this policy by December 1 of each school year. Each school shall verify for the District the method and date the policy has been distributed to all students, parents, faculty and staff.

XIII. Other Defenses

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

XIII. Relationship to Other Laws

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

Nothing in this policy shall supersede or be construed in such a manner as to conflict any state or federal laws concerning special education or individuals with disabilities.

CELL PHONES AND COMMUNICATION DEVICES

The Milford School District prohibits students from using cell phones and other communication devices during the school day. Violators will receive disciplinary action in accordance with the Milford School District Student Code of Conduct.

1st offense/Warning - Confiscation of the device until a parent/guardian picks up the device at the end of the day. Parent/guardian will sign a contract regarding future consequences based on Defiance as stated in the Milford School District Student Code of Conduct.

2nd offense and subsequent offenses – Confiscation of the device until end of marking period or semester. Disciplinary action for subsequent offenses of Defiance as stated in the Milford School District Student Code of Conduct are:

1st consequence is one (1) day ISS; Secondary/60 minutes elementary

2nd consequence is two (2) days ISS; Secondary/60 minutes elementary

3rd consequence is one (1) day OSS

4th consequence is two (2) days OSS

DRESS CODE

Milford School District School Dress Code Regulation Policy Statement

This school dress code policy will supersede any and all previous dress code policies. The uniform style of dress must be worn to enter the building on a normal school day from entry to dismissal unless otherwise authorized by Administration.

Basic Uniform

All Clothing is Solid Color

Uniform bottoms may include Khaki style pants, walking shorts, capris, skorts, skirts, jumpers or dresses that are to the knee or longer. Solid black, navy or tan in color.

1. No denim apparel of any type will be permitted.
2. Shorts, skorts, skirts, jumpers or dresses must be to the knee in length or longer.
3. A solid color belt, for secondary students only, must be worn if pants or shorts have belt loops. The belt buckle must be plain and free of embellishments.
4. Clothing items must be worn at the natural waist.
5. Solid color (black, white or tan) leggings, tights or nylons may be worn under skirts that are no shorter than the knee.
6. Clothing must be sized to fit the student (no excessively loose or baggy appearance).
7. Chains, wallet chains and spiked jewelry are not permitted.
8. Cotton or mesh gym shorts may be worn for elementary but must be to the knee.

Uniform tops must be Maroon, Black, Gold, Yellow, Navy or White Polo Shirts

1. **All polo shirts must be collared, 2-4 buttons, and solid in color.** They may be short or long sleeve.
2. Only top button can be unbuttoned.
3. Turtlenecks (mock and regular) and long sleeve solid color t-shirts may be worn **underneath** polo shirts.
4. Sleeveless shirts or t-shirts are NOT permitted.
5. Anything designated as an undergarment, camisoles, for example, or undershirts, cannot be revealed. Ties are acceptable, but not mandatory.
6. No skin or undergarments should be visible between the waistband of the pants and the bottom of the shirt.
7. Hooded apparel is not permitted.
8. Solid 3 button collared polo shirts of the approved color may have a small emblem on the left chest. MSD issued collared polo shirts may also be worn.
9. No over garments, such as sweatshirts, hoodies, or jackets may be worn over the polo.
10. Cardigan sweaters of the button down type may be worn over the polo in black, white, maroon, navy and gold. The cardigan sweaters may be purchased at a school store. Pull over V-neck sweaters are acceptable

Appropriate physical education attire is determined by the physical education teacher.

1. Cut-offs, frayed seams and holes are not permitted on any clothing. Hats, head coverings (except for religious practices), visors, scarves/bandanas, combs/picks and sunglasses (except with a doctor prescription) may not be worn in the building.

Footwear

1. Students must wear appropriate footwear at all times as designated by the school administrators. No shoes with wheels or bedroom slippers are permitted. Elementary students are not permitted to wear flip flops and need to have a closed toed shoe.

Procurement

9. Procurement may come from multiple vendors who meet the basic requirements as stated above
10. The Milford School District will also provide order forms from a sole source vendor and/or internet provider. Elementary will not be selling uniforms. However, the PTP will sell approved uniform spirit wear for students.

New students who have not been previously enrolled in the Milford School District will have (5) school days from their enrollment date to come into compliance with the uniform policy.

Any questions concerning this policy, please contact your child's school.

Students wearing clothing which is not in compliance with these guidelines or to which compliance is questionable will receive disciplinary action in accordance with the Student Code of Conduct, Board Policy 5414, M029. If considered necessary by school authorities, parents will be notified to bring in appropriate clothing. If parents cannot be reached, or the student is unable to come into compliance, student will be removed from class and detained until the end of the school day.

ADOPTED: 5/18/87; 11/23/87; 6/27/88; 7/10/89; 7/9/90; 7/1/91; 6/22/92; 7/12/93; 12/20/93; 6/27/94; 11/28/94; 6/26/95; 6/24/96; 6/14/99; 7/12/99; 9/27/99; 5/22/00; 6/25/01; 6/24/02; 6/23/03; 10/27/03; 6/28/04; 5/23/05; 5/19/08; 5/18/09

REVISED: 6/21/10; 5/16/11; 7/11/11