

**MILFORD SCHOOL DISTRICT  
POLICY**

**5404**

**STUDENT CODE OF CONDUCT – MIDDLE AND HIGH SCHOOLS  
CHAPTER I  
STUDENT EXPECTATIONS AND RESPONSIBILITIES**

The Milford School District is dedicated to developing each student's potential for learning. To achieve this, students, parents and school staff must share the responsibility for encouraging orderly, constructive student behavior. Therefore, the Board has developed this policy statement:

1. Students in the Milford School District shall respect constituted authority.
2. Citizenship in a democracy requires respect for the rights of others. Student conduct shall reflect consideration for the rights and privileges of others and demands cooperation with all members of the school community.
3. High personal standards of appearance, clothing, courtesy, decency, morality, clean language, honesty and wholesome relationships with others shall be maintained. Respect for real and personal property, pride in one's work and achievement within one's ability shall be expected of all pupils.

**STUDENT EXPECTATIONS**

Students are expected to:

- Conduct themselves in an orderly, safe and responsible manner.
- Attend all classes daily and on time.
- Be prepared for class assignments and activities, with appropriate working materials.
- Respect other people and their property.
- Refrain from abusive language, defamatory, inflammatory, and demeaning actions.
- Be clean and neat.
- Be responsible for their own work.
- Abide by rules and regulations of the school and individual classroom teachers.
- Accept, understand, and respect diversity and differences among fellow students and staff.
- Express feelings and needs in constructive, socially appropriate ways.
- Resolve differences through acceptable, peaceful methods such as dialogue and compromise.

**BOOKBAG / PURSE POLICY**

The District presumes a student possesses, and is therefore responsible for, all items found in the student's book bag, purse, or similar bag or container used to carry books or personal property (referred to as "book bag"). Regularly check the contents of your book bag. If you fail to secure your book bag, or provide others access to your book bag, you remain responsible for items found in your book bag.

**Students have the right:** To privacy in their personal possessions unless the principal/designee has reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, drug paraphernalia or of a student's unauthorized possession of items which include but are not limited to: electronic beeper, cell phone, or other communication mechanism; weapon, stolen property, or dangerous instruments in the school environment.

**Students have the responsibility:** Not to carry, conceal, or possess any materials which are illegal, disruptive, dangerous, or offensive to others. Cell phones must have the power turned off and be out of sight during the school day from the time the student arrives on school grounds until the end of the school day and on the bus. Cell phone use during the school day within the school building, school grounds and/or school buses is prohibited.

**DEBTS**

Refusal to pay for lost, damaged, stolen school property or services rendered by a school program, such as but not limited to field trip fees, food, transportation or other services related to classes, student activities, and athletics. (Students who are on Free or Reduced Lunch may work for the school to clear the debt at the minimum wage rate.) The school is required to begin the collection process within a week after the debt occurs when the student is

delinquent in paying. The school will not allow student debts to accumulate to the end of a marking period or semester to begin the collection process.

**Under \$25:** After allowing one week for payment, the student will be assigned up to three individual school detentions. If the student pays the debt prior to any of the detentions, they will be cancelled.

**Over \$25:** After applying the same penalty as Under \$25, the student will be barred from attending all school activities, including Homecoming, Prom, and Commencement. In addition, the school shall file a claim in Magistrates Court for restitution of all debts over \$50.

## **DRESS CODE**

### Milford School District Uniform 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 2-4 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 5404, 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.

### **MOTOR VEHICLE POLICY**

The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle or other conveyance. This presumption applies to any vehicle you drive to school without regard to who owns the vehicle. Before you bring a vehicle to school, or a school activity, carefully inspect the vehicle. If you fail to lock your vehicle, or permit others access to your vehicle, you remain responsible for items found in your vehicle. Students should follow the rules for driving/parking cars on school grounds as follows:

1. Register all vehicles with the office.
2. Park in designated spots only.
3. Obey the 15 m.p.h. speed limit.
4. Operate the vehicle in a safe manner.
5. Upon arrival to school, student shall go directly into the building.
6. Once on school grounds, students are not to drive off the property without administrative approval.
7. Administrative approval is required for students to be in the parking lot area when school is in session. This is an unauthorized area for students during the school day.
8. No smoking on school grounds.
9. Students shall be on time for school.
10. Students must properly park in the designated student parking spaces.
11. Only junior and senior students who are legally permitted to drive without supervision may purchase registration to legally park/drive on school grounds.

Students who disobey these rules may have their school driving/parking privileges suspended or revoked. Students who have unregistered vehicles, suspended or revoked driving privileges, or who park in unauthorized or other assigned spaces will be given disciplinary action in accordance with the Student Code of Conduct.

### **PERSONAL EQUIPMENT**

Students are not allowed to bring or use radios, cameras, CD players, MP3 players, electronic games or other electronic devices to school. These items are too valuable to run the risk of having them damaged or stolen and are disruptive. If

these items are brought to school, they will be turned into the office and must be picked up by the student's parent(s). A second offense may result in confiscation until the end of the school year.

### **SKATEBOARDS/ROLLERBLADES/WHEELED SHOES**

Students are not permitted to bring or use skateboards/rollerblades in or directly around the school.

### **CELL PHONES AND COMMUNICATION DEVICES**

Milford School District discourages students from bringing cell phones and other communication devices to school. Students are prohibited from using cell phones and other electronic communication devices during the school day. All devices must be turned off and kept out of sight during the entire school day when it is absolutely necessary to bring the phone to school. Violators will receive disciplinary action in accordance with the Student Code of Conduct. First offense will result in confiscation until the parent picks up phone at the end of the day and will sign a contract regarding the second offense consequences, including defiance.

2<sup>nd</sup> Offense – Confiscation until end of semester

### **VISITORS TO SCHOOL/CONFERENCES**

Parents are welcome to visit the school. If a parent wishes to talk with or visit the classroom of a specific staff member, s/he should call for an appointment since we cannot call teachers from their classes, and our administrative and counseling staff are often unable to see an unexpected visitor because of previously made commitments. For the protection of our students, all visitors must register and obtain a visitor's pass at the school office immediately upon entering the building. Visitors are reminded not to park in areas with yellow curbs. Student-age visitors are not permitted on school grounds while school is in session unless prior permission is granted by a school administrator.

## **CHAPTER II**

### **SAFEGUARDS AND CONSEQUENCES**

#### **DUE PROCESS RIGHTS FOR STUDENTS**

- A. All students must be informed of the violation(s) and the range of disciplinary actions.
  - (1) These items should be included in the Student Code of Conduct.
  - (2) These rules and the due process procedure must be explained over the public address system, designated classrooms, or at a school assembly at the beginning of the school year.
  - (3) Teachers must discuss these rules with their classes to insure that the rules are understood.
- B. Each student involved in a situation must be given a "Due Process Hearing."
  - (1) The student must be given a clear statement of his/her violation.
  - (2) The student must be given an opportunity to clear himself/herself.
  - (3) The student may:
    - (a) give names of witnesses; b) tell his/her side of the story; c) produce evidence on his/her behalf; d) question the evidence presented against him/her.

#### **PARENT NOTIFICATION**

Parents are to be informed of incidents as soon as possible, by phone, letter, or other written notification, as required by the Code.

#### **STUDENT DISCIPLINE – STUDENT INITIATED APPEAL PROCESS**

It is the purpose of these appellate procedures to provide students access to the appropriate school officials in regard to disciplinary matters.

Students or parents may only initiate the appellate process for one of the following reasons:

1. Incorrect charge
2. Incorrect action
3. Lack of due process

Penalties shall not be implemented until the student ceases or exhausts his/her appeal, except in case of violent behavior, and except in cases under appeal to the State Board of Education.

## Milford School District Code of Conduct

Step 1 Student shall have option to meet/discuss with staff members their proposed disciplinary actions within one (1) school day after the charge. This informal/private process should be followed in order to resolve differences/problems in friendly and cooperative manner.

1. Student may notify parents.
2. Student may present information or interpretations on his/her own behalf.
3. Staff member shall notify student of his/her decision within one (1) school day.

Step 2 Students or parents shall have the right to informally appeal staff disciplinary action to the school principal/assistant principal within two (2) school days after the charge. The objective is to resolve the matter informally.

1. Students may notify parents.
2. Student shall inform the principal/assistant principal of the facts.
3. Student may present information or interpretations on his/her own behalf.
4. Principal or Principal's designee shall procure information from staff members.
5. Principal or Principal's designee shall notify student of his/her decision within two (2) school days.

Step 3 If the matter is not resolved satisfactorily in the above manner, a written appeal to principal will be made within four (4) school days of the principal's decision. Any complaint made to administration by any student concerning a staff member shall be immediately brought to the staff member's attention. The principal shall conduct a parent/student conference within ten (10) school days of appeal and shall give a written decision within four (4) school days of conference. The principal shall file a copy of both the appeal and decision with the Superintendent or designee for his/her information. The principal's decision shall finally resolve the problem unless the student appeals the decision to the Superintendent or designee in writing within four (4) school days.

1. The principal or Principal's designee shall state the nature of the offense and the appeal as noted in the written student appeal.
2. The student may present any information or interpretations on his/her own behalf.
3. The student may present witnesses sufficient to present his/her case.
4. The student may cross-examine witnesses.
5. The principal or Principal's designee may obtain information independently.

Step 4 The unresolved problem will be discussed in a conference with the parents/student and the Superintendent, or in his/her absence, his/her designee. This conference will take place within four (4) school days of the receipt of the appeal. The superintendent shall give written decision within four (4) school days of the conference. The decision of the Superintendent shall be final unless the student appeals the decision to the Board of Education within four (4) school days. (Appeal for Board Hearing will be in writing to the Superintendent.)

1. The Superintendent or Superintendent's designee shall state the nature of the offense and the appeal as noted in the written student appeal.
2. The student may present information or interpretations in his/her behalf.
3. The student may present witnesses sufficient to present his/her case.
4. The student may cross-examine witnesses.
5. The Superintendent or Superintendent's designee may obtain information independently.

Step 5 A hearing shall be granted by the Board upon receipt of a written request signed by the student stating he/she desires a hearing. The Board shall hold a hearing with the parents/student within thirty (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.

1. The accused student shall be apprised of his/her rights.
2. The parents or guardian of the student shall be informed of the procedures for formal hearing.
  - a. The appearance before Board of Education.
  - b. The right to be represented by legal counsel or advisor.
  - c. The right to have witnesses and to cross-examine complaining witnesses.
  - d. The right to either a public or private hearing.
  - e. The right to testify and present evidence.
  - f. The date of the proposed hearing.
3. School officials shall assure appropriate hearing records be kept and accused be provided copy of summary report.
4. The accused shall be informed by written notice of the decision rendered and the basis for such action.

5. The accused person shall have the right to appeal final decisions by the local district Board of Education to the State Board of Education within (30) days in accordance with State Board Regulations.

Failure of a student at any level of this procedure to appeal the decision to the next level within the specified time limits shall be deemed to be acceptance of the decision at that level. If an appeal is initiated within the last 60 days of the school year: (1) the appeal shall go directly to the Principal for final determination if the policy does not require a Board hearing for that offense; (2) the appeal shall go directly to the Board for final determination if the policy requires a Board hearing for that offense.

### **SUSPENSION AND EXPULSION**

The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this district and one that cannot be imposed without due process. The Board may, after a proper hearing, suspend a child for such times as it deems necessary or may permanently expel him/her.

Students expelled or suspended from school are also excluded from school-related activities and are not permitted on school property while school-related activities are in progress.

### **SUSPENSION FROM SCHOOL**

1. The primary purposes of suspension are to maintain the integrity of the education process, to give students time to reflect on their school behavior, and to defuse potentially explosive situations.
2. Student suspension should be assigned no more than two days from the date of referral. Referrals should be filed within two days of the offense unless extenuating circumstances such as, but not limited to, completing an investigation or making parent/guardian contact prevents the prompt filing of the report.
3. The parent/guardian/emergency contact will be notified whenever a student is suspended and a specific protocol followed by the administrator (see attachments). Students suspended out of school are expected to make up their work. It is the responsibility of the student/parent/guardian to contact the teacher for makeup work. Students assigned in-school suspension are required to complete their work.
4. A student assigned to an excessive total of in-school suspensions (more than 3) may be assigned out-of-school suspension (OSS) instead of the ISS consequences prescribed in these guidelines.
5. Any out of school suspension greater than five days in duration will require the approval of the superintendent or his/her designee.

Prior to a suspendable offense, the student will be given oral or written notice of the charges and duration of the suspension. Due process will be provided, giving the student ~~and~~ **an** opportunity to tell his/her side of the story. (See Attachments) In all events, parents will be notified by telephone to request that the suspended student be picked up from school. Students whose parents/guardians/emergency contacts cannot be reached by telephone will be retained at school until the end of the school day, and the Visiting Teacher will make a home visit that evening. 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, or the integrity of the educational process, the necessary notice and hearing will follow as soon as possible. Any student suspended out of school must have a student/parent conference with an administrator before being reinstated.

In the case of students with disabilities (as defined in the Individuals With Disabilities Education Act) all of the above procedures do apply with additional considerations as follows:

A suspension from school for more than ten days, either consecutively or cumulatively, is considered a change of placement if the conduct is related to the student's disability. The Student Study Team will determine the relationship between the conduct and the student's disability.

A student assigned to an excessive total of in-school suspensions (more than 3) may be assigned out-of-school suspension (OSS) instead of the ISS consequences prescribed in these guidelines.

### **ASSIGNMENT TO EDUCATIONAL ALTERNATIVES**

A student may be assigned to Educational Alternatives because of serious or repeated violations of the Code. Assignment to Educational Alternatives is the removal of a student from the regular school program, with placement in special alternatives designed to meet the student's particular needs.

Assignment to an alternative school program requires Superintendent and/or Board approval.

Prior to placement in Educational Alternatives, the student and the student's parents shall confer with the administration and/or administration and teachers about the student's need to be in the special program. This conference shall include a discussion of the following:

1. The circumstances which led to the placement recommendation;
2. How the special program is designed to remedy the student's needs;
3. The conditions which must be met in order for the student to return to the regular school programs;
4. If parental approval is required for the placement, the written approval of the parents shall be sought at the close of the conference; and
5. If parental approval of the placement is not required, the student and the student's parents shall be advised that the placement may be the subject matter of a grievance.

## **EXPULSION**

Only the Board of Education may expel a student from school for violation of District Policy. In general, the act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. A student will be expelled for the remainder of the school year, and credit will not be given for courses in which a student is currently enrolled.

*Re-entering:* Students will begin the school year with a clean discipline record with the exception of students who have been previously expelled from school and those operating under a behavior contract that might extend into the new school year. An expelled student may re-enter school upon the completion of their term of expulsion. Parents and student are required to meet with a school administrator to review and sign a behavior contract before attending classes.

Students who end the school year with 45 or more demerits will be placed on a behavioral contract for the following school year. This includes students going from grade 8 to 9.

When a student commits a violation which may result in a recommendation for expulsion, the following procedure shall be followed:

### **STEP I**

- A. The student shall be suspended for up to ten (10) days.
- B. The principal shall investigate all aspects of the discipline problem, including a conference with the student and his/her parents or guardians, if possible, at which time the student will be informed of the charges and afforded an opportunity to "tell his/her side of the story." This conference shall be held prior to the student's suspension.
- C. The principal shall normally complete the investigation within three (3) school days of the incident under investigation.
- D. If after the investigation the principal concludes that the student committed the offense and that the nature of the offense warrants a recommendation for the expulsion, the principal shall make such a recommendation in writing to the Superintendent. The recommendation must be accompanied by a summary of the principal's investigation and school discipline committee report, if applicable. It is recommended that in cases that do not pose an immediate threat to the orderly functioning of the educational process or pose a danger to the health, safety, and welfare of other students, employees, or district property, that the principal convene the School Review Committee to hear the particulars of a case and participate in formulating the recommendation being made to the Superintendent.
- E. Once a recommendation is made to the Superintendent, he/she will forward the case to the Central Review Committee for study and recommendation, unless it is a situation involving unique or severe offenses which pose an immediate threat to the orderly functioning of the educational process or pose a danger to the health, safety, and welfare of other students, employees, or district property. The Central Review Committee will review the evidence and procedures followed in the case and make a separate recommendation to the Superintendent.
- F. The Superintendent will review the recommendations and if the Superintendent or designee concurs with a recommendation for expulsion, the student's suspension may be extended pending a formal hearing before the Board of Education.

### **STEP II**

- A. If the Superintendent, or designee, concurs with the recommendation from the principal and Central Review

Committee, the Superintendent, or his/her designee, shall within seven (7) school days from the first date of suspension for the incident giving rise to the expulsion recommendation, notify the student and the student's parents or guardians of intent to expel and of the date, time and location for a formal hearing on the recommendation for expulsion. The notice of intent to expel shall be sent by certified mail or hand delivered and shall state the reasons for the expulsion and the time and place of the hearing. In addition, the notice shall be accompanied by a copy of the rules of procedure for the conduct of disciplinary hearings.

- B. The formal hearing shall be held not less than three (3) nor more than ten (10) school days after the notice of intent to expel is given. The time period may be modified by agreement of both parties.
- C. The formal hearing shall be conducted by a Hearing Officer, who is hired by the district to conduct the hearing according to the Board's regulations.
- D. The Hearing Officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The Hearing Officer in conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The Hearing Officer shall exclude plainly irrelevant evidence. Unduly repetitive proof shall be excluded. The witnesses shall be sworn by the Hearing Officer.
- E. The student shall have the following rights in a hearing:
  - 1. To be represented by counsel, at the student's expense;
  - 2. To question any witnesses who testify and receive a copy of any statements and/or affidavits of such witnesses;
  - 3. To request that any witnesses appear in person and answer questions or be cross-examined. Student witnesses will not be excused from school or allowed to testify without subpoena or parent(s)/guardian(s) permission;
  - 4. To testify and produce witnesses on his/her behalf;
  - 5. To obtain, upon written request, a copy of the transcript or tape of the hearing.

### **STEP III**

- A. Within ten (10) calendar days following the hearing, the Board shall decide whether to expel the student following a review of the evidence produced at the hearing. The Board's decision shall state conclusions of fact and the penalty to be imposed upon the student.
- B. The duration of an expulsion is within the discretion of the Board based upon the circumstances of each case. An expulsion shall not exceed 180 days of school.

### **STEP IV**

- A. The parents/guardians of a student who is expelled shall be informed that they may apply for the student's readmission at the end of the period of expulsion and must provide verification that all conditions for readmission have been met.
- B. The student and family will be given exit advice on the educational options and rehabilitative counseling that may be available during the expulsion period.
- C. Upon readmission to school, the student will be placed on probation. The student will be assigned to a counselor who will monitor his/her behavior, academic performance, and provide assistance for a period of at least one semester.
- D. A student is prohibited from being on Milford School District property during the expulsion period except when accompanied by a parent or guardian for a scheduled appointment with school officials.
- E. A student shall only be readmitted at the beginning of a marking period.

### **STUDENTS WITH DISABILITIES**

- A. In the case of a disabled student, as defined in federal and state regulations, being considered for expulsion, an Individual Educational Placement (IEP) Team meeting will be convened.
- B. The IEP Team will determine whether (1) the alleged conduct is directly related to the student's disability, or (2) the student was inappropriately placed at the time of the offense. A disabled student's conduct relates to the disability if the disability significantly impaired the student's ability to control his/her behavior.
- C. If the IEP Team determines that the offense is directly related to the student's disability, the student's program and/or placement may be changed.
- D. If the IEP Team determines that the offense is not directly related to the student's disability or the result of placement, the principal will follow the Student Code of Conduct.
- E. In instances where the disabled student presents a danger to himself or others, or is so disruptive to the educational environment as to interfere with the rights of other students to benefit from an education,

emergency placements may be invoked by the District, including homebound instruction.

### **CORPORAL PUNISHMENT**

The use of corporal punishment is not permitted in the Milford School District. This does not prohibit an official or professional employee of the Milford School District from:

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

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

### **DISCIPLINARY REFERRALS**

Disciplinary referrals should occur only when students have clearly and willfully violated the District's Code of Conduct. Staff are expected to use good classroom management practices and behavioral interventions to help all students comply with the school rules and regulations. They are responsible for engaging students in appropriate learning activities and attempting to redirect off-task student behaviors before they become a violation of the code of conduct. Students are responsible for learning the code of conduct and following the rules and regulations of the school. They are responsible for following teacher directions and helping to maintain a classroom atmosphere that is conducive to learning.

### **SMOKING**

The State of Delaware prohibits smoking by all persons within all buildings, facilities and school grounds of the District.

### **COMMUNITY NOTIFICATION – SEX OFFENDER GUIDELINES**

As a result of the passage of H.B. 458 the Delaware General Assembly has determined community notification is the primary responsibility of law enforcement. The posting of this information is required by law and is available on the Delaware State Police Sex Offender Registry website ([www.state.de.us/dsp/sexoff](http://www.state.de.us/dsp/sexoff)). Adults or juveniles who are convicted or adjudicated of specific sex offenses are required by law to be registered. State and local police agencies send to public schools written notification of registered sex offenders who attend the schools or reside in the community. However, to help keep children safe the following are required of schools:

1. All schools and district office in the Milford School District shall have information on sex offenders easily accessible through a binder kept in the main office available to view upon request by adults and juveniles with adult supervision. No notification shall be removed from the binder unless the school is notified of an address change informing them that the offender has moved from the community.
2. All Milford School District schools shall allow community members to have access to the State's community notification web-site in the school building.
3. It is the school's responsibility to ensure that all staff is aware of registered sex offenders in the community.
4. All Milford School District schools should regularly inform parents through existing communication methods such as newsletters of the availability of notifications if there are changes to the information enclosed in the binders.
5. All schools are prohibited from the physical posting of sex offender notifications.
6. All schools should have a significant role in educating students about personal safety and awareness, consistent with the Delaware Health Education Curriculum Framework.

7. All schools shall keep the Note to Parents (Attachment A) with any notification viewed by parents.
8. All schools shall distribute the Note to Staff (Attachment B).
9. All schools will maintain a log to document receipt of a Sex Offender Notification and appropriate distribution.

#### **UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM**

**NOTE: MILFORD MIDDLE SCHOOL AND MILFORD HIGH SCHOOL HAVE BEEN DECLARED SAFE SCHOOLS.**

The Milford School District complies with the Federal *No Child Left Behind* legislation by providing transfer options to those students enrolled in a District school that has been identified as “persistently dangerous” pursuant to the provisions of DDOE Regulation 608, Unsafe School Choice Option for Students in Persistently Dangerous Schools and for Students Who Have Been Victims of a Violent Felony. Students who have been victims of a violent felony under these provisions may also elect the transfer option program.

##### Option A: Schools Identified As Persistently Dangerous

- Within ten school days of receiving a persistently dangerous designation from the Department of Education, the District will notify parents of eligible Unsafe School Transfer Option Program students by mail. A Transfer Option Application will be attached to the notification letter. Parents of students moving to a persistently dangerous school at the end of their grade level cluster will also be notified by mail. All parents registering students at a designated school will receive a notice and Transfer Option Application at the time of registration.
- The District will accept Unsafe School Student Transfer Option Applications for fifteen school days following date of the notification mailing. Applications for in-coming kindergarten students will be accepted through first day of new school year.
- Parents will have the option to transfer to another District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.
- Transfers of students will occur within 30 school days of Department of Education notification to the District. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.
- A corrective action plan will be developed and filed with the Department of Education within 20 school days from the date that the District learns that a school has been identified as persistently dangerous.

##### Option B: Victim of a Violent Felony at a School

- Within five school days from the date of the acknowledgement of a violent felony charge that occurred in or on the grounds of a District school, the District will notify the victim’s parents by certified mail of the Unsafe School Student Transfer Option. A Transfer Option Application will be attached to the notification letter.
- Parents have 10 school days from the date of the certified mailing to exercise their option to transfer to a safe District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form.
- The student will be transferred within 30 school days of the District’s notification of violent felony charges being filed. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.

The Milford School District Student Transfer Option Program components are subject to amendments as may be required by law.

#### **WEAPONS – GUN FREE SCHOOLS ACT OF 1994**

The Milford 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 defined by Delaware Code, on school property, in a school bus, at any school-sponsored co-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 and definitions by which this policy will be implemented are contained in the Student Code of Conduct and Delaware Code.

### CHAPTER III

#### VIOLETIONS OF THE STUDENT CODE OF CONDUCT

**The Student Code of Conduct – Middle And High Schools** is an official policy of the Milford School District Board of Education. The Board of Education expects that this Code will be subject to ongoing review and revision in response to:

- A. Administrative, staff, student, and parent suggestions;
- B. Legal interpretation; and
- C. Annual Review

#### COMBINATION OF OFFENSES

In single instances where more than one violation of the Code occurs prior to disciplinary action given, the student may be dealt with at the highest level and may be given the most severe action allowed for any of the offenses committed.

In separate incidents of violations of the Code, offenses cannot be combined prior to disciplinary action in order to determine the appropriate level and action for the latest offense. Offenses are to be considered separate, except as may be provided elsewhere in this policy. If several separate instances of the same offense occur prior to disciplinary action, all of the offenses should be processed at the appropriate level of action specified for each violation.

#### 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 class or school activity based upon the judgment of teachers and administrators. Criteria for removal of students include the safety of student and others, any form of violence, persistent disruption that interferes with learning, prevention of such situations and compelling need to speak to student privately. In using their judgment to remove a student, staff will use the Student Code of Conduct as the guide for their decisions. This means that the staff member is required to send a discipline referral to the office by the end of the day the student was sent out of the room. This will give the person dealing with the student the necessary information to process the student. Also, the teacher is required to make a parent contact. When a punishment or penalty is given to a student, it will be at the discretion of school authorities and based upon the Code of Conduct.

**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.** 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, the teacher will contact the office/follow procedures established in that school to summon assistance to remove a 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 may be permanent or temporary. The teacher and principal will determine terms of removal by applying Code of Conduct, other rules or policies and the needs of the student and the other students involved. If teacher and principal do not agree on the outcome, the principal will give a written explanation to the teacher within three working days. If needed, a formal hearing may be held before the superintendent/designee to determine status of

the student relative to enrollment and/or participation in class or activity. School board policies for hearings and state law apply to these circumstances.

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

Sexual harassment is a form of sex discrimination and illegal under Title VII of Civil Rights Act of 1964, which protects persons in work place, and Title IX of 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. Such sexual harassment or misconduct, whether the harasser is another student or adult: shall include, but is not limited to the following:

- **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.

Harassment based upon a person's race, national origin, disability, religion, sexual orientation or similar characteristics 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 #s 1-3 above.

If you believe you or another person are the subject of such harassment or misconduct or sexual harassment 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 these policies and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting harassment or sexual harassment. All complaints made to district staff must be reported by such staff to the Milford School District Title IX Coordinator (Dr. Robert Sutcliffe, Director of Secondary Education) at the administrative office. Upon receiving notice of a complaint of harassment, sexual 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, including sexual harassment, has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

### **DRUG, ALCOHOL, AND STEROID POLICY**

The Milford School District believes that drugs, alcohol and steroids have no place in the school environment and are prohibited. This policy reflects the desire and intent of the District to adopt a "zero tolerance" policy, tempered by the desire to encourage students with substance abuse problems to come forward and seek help with treatment and counseling. State and district policies shall apply to all students except that with respect to disabled students, the Federal Law will govern and a determination of whether the violation of the alcohol policy was due to the student's disabling condition will be made prior to any discipline or change of placement in connection with the policy.

The objectives of this policy are fourfold:

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

The policy on possession, use or distribution of drugs and alcohol shall apply to all Milford School District schools:

The Board Hearing recognizes the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the school community. The Board Hearing, accordingly, prohibits the possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia because they are wrong and harmful to students.

The Board Hearing considers offenses related to drugs and alcohol very serious both for the individual involved and for the welfare of other students in the district. Therefore, the following rules and regulations have been developed:

1. Any 9-12 student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance, alcohol, a look-alike substance and/or drug paraphernalia while on school property or at school-related activities will be referred to the Board Hearing by the administration for an expulsion hearing. The investigation leading to the recommendation for expulsion will be conducted at the school level by the discipline team led by the principal or designee. The school recommendation will be reviewed at the district level by the Central Review Committee, chaired by the appropriate district director of instruction. In cases involving special education students, the Board Hearing may, at its discretion, waive a hearing and accept the IEP Team recommendation of the particular school.
2. The act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. The student will be expelled for a term not to exceed one calendar year and credit will not be given for courses in which the student is currently enrolled. An expelled student can reenter school at the end of the term of expulsion and upon Board Hearing approval, and may be placed under a behavior contract agreed upon by the principal, Superintendent or designee, and the student and parent(s).
3. Students in grades nine through twelve who are expelled from school for offenses related to substance abuse may earn up to three credits through correspondence programs accepted by the Milford School District. Three credits from correspondence programs are the maximum accepted by the state that can be applied toward a diploma.
4. All violations of this policy are to be immediately reported to the school principal who will verbally notify the student's parent(s) of the investigation. In all cases, the Youth Aid Division of the Milford Police will also be contacted. At all times the student's due process rights and confidentiality rights are to be respected but after an informal hearing with the student, the principal has the authority to suspend the student for up to ten school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the appropriate director who will then convene a meeting of the Central Review Committee. If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student's parent(s) in writing and identify the time and place of the student's hearing before the school Board Hearing. This hearing before the school Board Hearing should be held within ten school days from the beginning of the student's suspension. If an exception is made to the time

line, the school Board Hearing will provide homebound instruction to the student until such time as the Board Hearing can convene to hear the student's case.

5. 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 turned over to the police as potential evidence. A request for analysis shall be made where appropriate.
6. Students of majority age, i.e., age 18 or older, are responsible for their own actions. All such students will be treated as adults for purpose of reporting violations of this policy and of the law to the police. Such students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student's actions in accordance with this policy.
7. Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, she/he may be suspended from school for a minimum of five days and suspended also from all participation in extracurricular activities, including sports and marching bands. Any student who violated the above policy more than one time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and marching band, for one calendar year from the date of the second incident. This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Milford School Board Hearing. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Milford School District's Discipline Policy.
8. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are those prescribed to a student by a licensed physician or that which can be purchased over the counter and for which the student has written permission from his/her parent or guardian. Both are to be brought in the original labeled container to the school environment in the dosage or amounts prescribed, or for which written permission has been obtained. In all cases, they are to be delivered to the school nurse and administered as per the physician's/parent's/guardian's written order. Violations of the policy could result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

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

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

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

### **NONCONTROLLED SUBSTANCES**

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

1. The express representation that the substance is a controlled substance; or

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

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

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

Once intent to use, possess, or transfer a non-controlled substance as a controlled substance is established, refer to #40 for appropriate penalties.

### **AGGRESSIVE GROUPS AND GANG POLICY**

The Milford School District recognizes that the harm done by the presence and activities of gangs and aggressive groups in public schools exceeds the immediate consequences of such activities such as violence and destruction of property. Gang and aggressive group activities also create an atmosphere of intimidation in the entire school community. Both the immediate consequences of this activity and the secondary effects are disruptive and obstructive of the process of education and school activities.

It is therefore the policy of the Milford School District that gangs and aggressive groups are prohibited in the Milford School District Schools, according to the following:

#### **I. Definitions for Purposes of this Policy**

An "aggressive group" is any group of two or more students who act collectively in an aggressive, confrontational, or territorial manner toward other students within the school or in violation of disciplinary rules of the school district.

An "organized aggressive group" act collectively in an aggressive, confrontational, or territorial manner toward other students within the school or in violation of disciplinary rules of the school district have one or more of the following characteristics: An action against a single member of the group is responded to by multiple members of the group, the group identifies itself with a name, similar clothing or colors, established symbols and handshakes, similar hairstyles, or other identifying characteristics

A "gang" is any group of two or more students whose purposes include the commission of illegal acts; "gang related activity" includes but is not limited to the prohibited conduct set forth below.

#### **II. Prohibitions**

No student on school property or at any school activity on or off campus shall:

1. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in or affiliation with any gang or aggressive group.
2. Engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation with any gang or aggressive group.
3. Engage in any act to further the interests of any gang or aggressive group, including, but not limited to:
  - a. soliciting membership in, or affiliation with, any gang;
  - b. soliciting any person to pay for "protection," or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
  - c. painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property;

- d. engaging in violence, extortion, or any other illegal act or other violation of school policy;
- e. soliciting any person to engage in physical violence against any other person.

**III. Procedures**

- 1. WATCH: the same students are noted to be persistent in aggressive group behavior
  - a. a list of the students is established and maintained
  - b. record all relevant actions, interactions, reports, and rumors
- 2. INTERVENTION: When sufficient documentation has accumulated
  - a. Interview, set limits, and warn individually
  - b. Send letter to parents
  - c. Apply appropriate discipline for all group activity: Inflammatory Actions, Bullying, and Defiance
- 3. GANGS AND ORGANIZED AGGRESSIVE GROUPS
  - a. Prohibited from assembly on school grounds
  - b. Arrests off campus will result in a referral under M016.
  - c. Expulsion hearing for all acts of violence or intimidation

**IV. Application and Enforcement**

- 1. In determining, as part of the application and enforcement of this policy, whether acts, conduct, or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.
- 2. This policy is intended to work in conjunction with the Bullying Policy found elsewhere in the MSD Code of Conduct.
- 3. The removal of graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be removed or covered within twenty-four (24) hours of its first appearance to school officials, or as soon thereafter as possible.
- 4. School officials are strongly encouraged to work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement can provide school officials with information regarding gang-related activities in the area, including names and characteristics of local gangs.
- 5. The superintendent, in consultation with the appropriate building principals, should report instances of gang-related criminal acts or acts of serious disruption to School Board and local law-enforcement authorities for further action.

**V. Violations of Policy**

Students who violate this policy shall be subject to the full range of school disciplinary measures, in addition to applicable criminal and civil penalties.

**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.<sup>1</sup>

## 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

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<sup>1</sup> Legal or Regulatory Requirements are in *italics* throughout.

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.

### **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

**VIII. 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.

**MILFORD SCHOOL DISTRICT SECONDARY SCHOOLS INFRACTION CODES**

Abusive Language to Staff	M030,	S030
Academic Cheating	M014	
Acceptable Use Policy Violation	M018,	S018
Alcohol, Possession or Use	D05	
Assault III	C02	
Attorney General Report/Off Campus Conduct	M016,	S016
Biting/Scratching – Broken Skin	M115	
Bomb Threats	D02	
Bullying	D07	
Bus Violation(s)	M017	
Criminal Mischief (Vandalism)	D03	
Defiance of School Authority	M008	
Disruption of Educational Process	M009	
Dress Code Violation	M029	
Drug Paraphernalia	D11	
Extortion – School Violation	M107	
Failure to Obey Safety Procedures	M108	
Failure to Perform Properly During ISS	M020,	S020
Failure to Provide Requested Identity	M021,	S021
Failure to Report for Disciplinary Action - Office	M023,	S023
Failure to Report for School Detention	M022,	S022
Failure to Report to ISS	M104	
Felony Theft (\$1000+)	D06	
Fighting/Disorderly Conduct	D11	

Group Fighting/Premeditated Assault	D11a	
Fire Alarm Incident	M015,	S015
Forgery or School Correspondence Destruction	M105	
Gambling – School Violation	M024,	S024
Harassment	M113	
Horseplay and/or Reckless Play	M110	
Inappropriate Behavior	M010,	S010
Inappropriate Sexual Behavior	M116	
Inflammatory Actions	M010a	
Inhalants	D12	
Leaving School Grounds w/o Permission	M005,	S005
Littering	M109	
Loitering	M007,	S007
Misrepresenting the Truth/Lying	M101	
Offensive Touching – School Violation	M114	
Offensive Touching – Employee Victim	C04	
Offensive Touching – Student Victim	D08	
Open Display of Affection	M102	
Pornography: Possession and Production	D01	
Possession of Unauthorized Comm/Electronic Devices	M103	
Profanity, Use of	M001,	S001
Prohibited Controlled Substances (Title 16)	C07	
Sexual Harassment – Student Victim	D10	
Skipping Class (Class Cutting)	M004,	S004
Stealing/Theft	M011,	S011
Tampering with Public Records	D04	
Tardiness	M003,	S003
Terroristic Threatening – Employee Victim	C05	
Terroristic Threatening – Student Victim	D09	
Tobacco	M006,	S006
Trespassing	M027,	S027
Truancy	M002 – Refer to MSD Attendance Policy #5403, S002	
Unauthorized Use of Technology	M106	
Unlawful Sexual Contact III	C03	
Unprepared for PE Class (Chronic)	M028,	S028
Unsafe Driving	M012,	S012
Unsafe Items	M013,	S013
Violent Felony (Listed in Title 14, Section 4112)	C01	
Weapons Offenses (Listed in Title 14, Section 4112)	C06	

**LEVELS AND ACTIONS/CONSEQUENCES**

Level 1:	Teacher/Staff
Level 2:	Administrator/Designee
Level 3:	Police or Other Agency
Level 4:	Committee
Level 5:	Superintendent
Action A:	Verbal Warning
Action B:	Written Warning/Parent Contact/Log
Action C:	Teacher Intervention(s)/Parent Contact/Log; May Include Seat Change or Other Options
Action D:	Teacher Detention & Parent Contact/Log; Detention Assigned Before/After School
Action E:	Verbal Reprimand & Parent Contact/Log
Action F:	School Detention & Parent Contact/Log
Action G:	Two School Detentions & Parent Contact/Log
Action H:	One Day ISS & Parent Contact/Log

- Action I:** Two Days ISS & Parent Contact/Log; May Include Parent Conference
- Action J:** Three Days ISS & Parent Contact/Log; Parent Conference To Return
- Action K:** Specified Long Term ISS/Pre-Alternative School; Mandatory Parent Conference
- Action L:** One Day OSS & Parent Contact/Log
- Action M:** Two Days OSS & Parent Contact/Log
- Action N:** Up to three Days OSS & Parent Contact/Log; Parent Conference To Return
- Action O:** Behavior Contract With Student & Parent; May Include Attendance Clause
- Action P:** Referral to Police or Other Agency and/or Central Review; Suspension from School --- up to five days, possible Superintendent Hearing
- Action Q:** Referral to School Discipline/IEP Committee – Options: Contract, Class/Placement Change, School Service, Central Review Referral, Student Activities/Athletics Suspension 1-4 Wks; Police Referral
- Action R:** Suspension up to Ten Days Pending Central Review Committee - Options: Contract, Class Change, Extend Suspension, School Service, Alternative School Referral, Student Activities/Athletics Suspension; Police Referral; Recommend Expulsion Hearing
- Action S:** Referral for Superintendent’s Hearing, police contact, if required – suspension for up to 10 days.
- Action T:** Change of Class Schedule and Parent Conference
- Action U:** Restitution; Payment for Damages May be Required
- Action V:** Principal’s Probation, Loss of Driving Privileges
- Action W:** Utilize MSD Bus Discipline Policy Rules & Regulations
- Action X:** Confiscation by School Staff and Item to be Returned to Parent/Guardian Only
- Action Y:** Loss of Privileges (including but not limited to “three strike rule” and use during academic cheating)
- Action Z:** Required Action for Academic Cheating: 1<sup>st</sup> Offense: Zero for work & required Parent Meeting. 2nd Offense: Zero for work & required hearing before Honors Committee.

If the principal believes that an infraction by a student is so severe as to warrant more serious consequences than outlined in the Student Code of Conduct, the principal may call for a Central Review of the case. The Central Review Committee may assign any level of consequences from A through Z based on their determination of the magnitude of the seriousness of the infraction.

**STUDENT DISCIPLINE – SCHEDULE OF SINGLE OFFENSES AND ACTIONS**

NO.	LEVELS: 1 - Teacher/Staff 2 - Administrator 3 - Police 4 - Committee 5 - Superintendent  OFFENSE	Number of Year Offenses (A new record is started each year)									
		1 <sup>ST</sup>		2 <sup>ND</sup>		3 <sup>RD</sup>		4 <sup>TH</sup>		5 <sup>TH</sup>	
		LEVEL	ACTION	LEVEL	ACTION	LEVEL	ACTION	LEVEL	ACTION	LEVEL	ACTION
M030, S030	Abusive Language to Staff	2	L to N	2	N	2	N	4	N,R	-	n/a
M014	Academic Cheating	1	Z,D	1	Z	2	H,Z	2	H,Z	2	H,Z
M018, S018	Acceptable Use Policy Violation	2, 4	L or R	4	R	4	R	-	n/a	-	n/a
D05	Alcohol, Possession or Use	2	R	4	R	4	R	-	n/a	-	n/a
C02	Assault III	3	P	4	P,R	4	P,R	-	n/a	-	n/a
M016, S016	Attny Gnrl Rprt/Off Campus Conduct	4	R	4	R	4	R	-	n/a	-	n/a
M115	Biting/Scratching – Broken Skin	2	H	2	I	2	M	2	R	2	R
D02	Bomb Threats	4	R	4	R	4	R	-	n/a	-	n/a
D07	Bullying	2	L	2	N	4	R	-	n/a	-	n/a
D03	Criminal Mischief (Vandalism)	2	Up to R	2	Up to R	4	R	-	n/a	-	n/a
M008	Defiance of School Authority	1	H to L	1	I to M	2	N	2	N	2	N to R
M009	Disruption of Educational Process	1	A,C	1	D	2	H	2	I	2	J
M029	Dress Code Violation	1	E,O	1	V,Y	2	V,Y	2	N	2	N,Q
D11	Drug Paraphernalia	4	R	4	R	-	n/a	-	n/a	-	n/a

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M107	Extortion – School Violation	1	R	4	R	4	R	3	R	-	n/a
M108	Failure to Obey Safety Procedures	1	A	1	C	1	D	2	H	2	H
M020, S020	Failure to Perform Properly in ISS	2	L	2	M	2	N	4	R	4	R
M021, S021	Failure to Provide Requested Identity	2	I	2	L	2	M	4	R	4	R
M023, S023	Failure to Report-Disciplinary Action	2	N	2	N	4	R	4	R	4	R
M022, S022	Failure to Report -School Detention	2	H	2	I	2	I	2	J	2	J
M104	Failure to Report to ISS	2	N	2	N	4	R	4	R	4	R
D06	Felony Theft (\$1000+)	4	R	4	R	-	n/a	-	n/a	-	n/a
D11	Fighting/Disorderly Conduct	3	P,R,I	4	P,R	4	P,R	4	S	4	n/a
D11a	Group Fighting/Premeditated Assault	2	R,S	-	n/a	-	n/a	-	n/a	-	n/a
M015, S015	Fire Alarm Incident	3	R	4	P,R	-	n/a	-	n/a	-	n/a
M105	Forgery/Schl Crspondnc Destruction	2	H	2	I	2	L	2	M	2	R
M024, S024	Gambling – School Violation	2	H	2	N	4	R	4	R	4	R
M113	Harassment	1	H	1	L	2	N	2	N	4	R
M110	Horseplay and/or Reckless Play	1	H	2	I	2	L	2	M	2	R
M010, S010	Inappropriate Behavior	1	F to N	1	F to N	2	F to N	2	F to N	2	F to N
M116	Inappropriate Sexual Behavior	2	N	2	N	2	F	-	n/a	-	n/a
M010a	Inflammatory Actions	2	H to N	2	L to N	2	M to N	2	N	2	R
D12	Inhalants	4	R	4	R	4	R	5	S	-	n/a
M005, S005	Leaving Sch Grnds w/o Permission	2	H	2	I	2	J	2	J	4	R
M109	Littering	1	A	1	B	1	C	1	D	2	G
M007, S007	Loitering	2	H	2	I	2	J	2	J	2	J
M101	Misrepresenting the Truth/Lying	1	C to H	2	H	2	I	2	J	2	J
M114	Offensive Touching – Pushing/Shoving	1	H	2	L	2	M	2	R	4	R
C04	Offensive Touching–Employee Victim	4	P to R	4	R	4	R	-	n/a	-	n/a
D08	Offensive Touching – Student Victim	2	M	2	N	4	R	4	R	4	R
M102	Open Display of Affection	1	A	1	F	2	F	2	G	2	H
D01	Pornography: Possession/Production	2	N	3	N,I	3	N	4	R	-	n/a

NO.	OFFENSE	Number of Year Offenses (A new record is started each year)									
		1 <sup>ST</sup>		2 <sup>ND</sup>		3 <sup>RD</sup>		4 <sup>TH</sup>		5 <sup>TH</sup>	
		LEVEL	ACTION	LEVEL	ACTION	LEVEL	ACTION	LEVEL	ACTION	LEVEL	ACTION
M103	Possn, Unauthrzd Comm/Electronic Device (2 <sup>nd</sup> offence see Defiance M008)	2	H	2		2		4		4	
M001, S001	Profanity, Use of	1	D	1	H	2	I	2	L	2	M
C07	Prohibited Controlled Substance Title 16	4	R	4	R	-	n/a	-	n/a	-	n/a
D10A	Sexual Harassment – Staff Victim	2	R	2	R	-	n/a	-	n/a	-	n/a
D10	Sexual Harassment – Student Victim	2	N	2	J,N	2	N	4	R	4	R
M004, S004	Skipping Class (Class Cutting)	2	H	2	J	2	J	2	R,J	2	R
M011, S011	Stealing/Theft	2	N	2	N,U	2	R	-	n/a	-	n/a
D04	Tampering with Public Records	2	N to R	4	R	4	R	4	R	4	R
M003, S003	Tardiness (every tardy)	1	F	1	G	1	H	2	I	2	L
C05	Terroristic Threatng–Employee Victim	3	R	3	R	-	n/a	-	n/a	-	n/a
D09	Terroristic Threatening–Student Victim	4	R	4	R,P	4	S,P	4	S,P	4	P

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<b>M006, S006</b>	Tobacco	2	N	2	N	2	N	2	N	2	N
<b>M027, S027</b>	Trespassing	2	L	2	L	2	M	2	M	2	N
<b>M002, S002</b>	Truancy-Unexcused absence/skipping school	-	H	-	H	-	H	-	H	-	H
<b>M106</b>	Unauthorized Use of Technology	2	H	2	J	2	N	4	R	4	R
<b>C03</b>	Unlawful Sexual Contact III	4	R	4	R	4	R	-	n/a	-	n/a
<b>M028, S028</b>	Unprepared for PE Class (Chronic)	1	A	1	B	1	C	2	F	2	H
<b>M012, S012</b>	Unsafe Driving	2	V	2	V	2	V	2	V	2	V
<b>M012a</b>	Parking Violation	2	H	2	I	2	L	2	N	2	N
<b>M013, S013</b>	Unsafe Items	1	X,N	2	X,N	2	X,N	4	X,N	-	n/a
<b>C01</b>	Violent Felony (listed in Title 14, Sec 4112)	3	R	4	R	4	R	-	n/a	-	n/a
<b>C06</b>	Weapon Offense (listed Title 14, Sec 4112)	3	R	4	R	4	R	-	n/a	-	n/a

**BUS DISCIPLINE**

Appropriate behavior on the bus is critical to the safety of every passenger on the bus, pedestrians, and other motorists. Distractions that require the bus driver to make an unplanned stop are taken very seriously and will result in a minimum 5-day bus suspension in addition to the consequences listed in the Student Code of Conduct. Following notification of a bus violation by the bus driver to the Dean of Students, a parent/guardian/emergency contact will be notified and a letter sent home (see attachment) requiring a parent signature and an explanation of how the student will be transported to and from school during the time of the suspension. If a parent/guardian/emergency contact cannot be reached, the Visiting Teacher will do a home visit that evening. Violations on the school bus will be awarded demerits for consequences in accordance with the school board policy 5405 Demerit System for High School and Middle School. In addition, bus suspensions will be applied in accordance with the following:

**M Codes:** Any 3 offenses 3-day bus suspension, fourth offense 3-day suspension and bus discipline review meeting

**D Codes:** 5-day bus suspension each offense

**C Codes:** 10-day bus suspension each offense

**DOE REGULATION 601. SCHOOL-POLICE RELATIONSHIPS**

- A. To ensure that both students and parents are aware of the relationship between the school and the police agencies, you are advised that school officials shall promptly report to the appropriate police agency all matters which come to their attention, whether occurring on or away from the school premises, which involve pupils attending the particular school. The Milford School District has developed a Memorandum of Agreement (MOA) substantially similar to the MOA developed, approved and from time to time revised by the Delaware Department of Education with the Milford Police Department and the Delaware State Police to provide services to the District as requested. Each school district employee shall be advised, as defined in Del Code Section 4112, of his/'her duty to report school crimes and the penalty for failure to so report. The Superintendent or his/her designee shall report to the Department of Education all school crimes pursuant to 14 Del Code Section 4112 and any subsequent amendment thereto. Such reports shall be made on forms as designated by DOE and filed with DOE within the time prescribed by the statute. In addition to those crimes required to be reported pursuant to statute, the Superintendent shall report to the DOE incidents of misconduct 4.1 through 4.7. Such reports shall be made on forms as designated by the DOE and filed with the DOE no later than five working days following the incident: 4.1) Pornography, Possession and Production; 4.2) Bomb Threats; 4.3) Criminal Mischief (Vandalism); 4.4) Tampering With Public Records; 4.5) Alcohol, Possession and Use; 4.6) Felony Theft (\$1000 or more); 4.7) Bullying.

For purposes of the reporting required pursuant to 4.7 of this regulation, **“Bullying” is defined as when one person, or a group of persons, targets another person with repeated direct or indirect negative actions over a period of time which are harmful to the victim either emotionally or physically. A negative action occurs when a person knowingly inflicts or attempts to inflict, physical or emotional injury or discomfort upon another person.** The following offenses should be reported to the appropriate police agency for investigation: 1) All felonies; 2) Serious assaults when any weapon is used; 3) Report of explosives, knives,

firearms, ammunition, fireworks or blasting caps being brought into school; 4) Narcotic offenses or allegations; drinking; 5) Indecent assaults on pupils or staff; 6) Rape or assault with intent to rape; 7) Morals offenses (pornography, exhibitionism, peeping, etc.); 8) Organized gambling (numbers and pools); 9) Neglect or abuse of children; 10) Persons or conditions which are factors in contributing to the delinquency of minors; 11) Adults loitering on or near school property; 12) Unknown persons parked near schools at the time pupils are going to and from school; 13) Observations of reckless driving and traffic hazards endangering lives of school children; 14) Telephoned threats to the school; 15) Arson, attempted arson, or suspicion of arson; 16) Rumors or observations of gang rivalries or activities; 17) Reports of promiscuity or incest; 18) Evidence of threats or intimidation; 19) Larceny involving the personal property of school personnel; 20) Larceny of school equipment; 21) Burglary and attempted burglary of school buildings; 22) Malicious mischief and school vandalism; 23) Trespassing on school property.

- B. Police matters shall not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the schools. All school misconduct of a serious nature should be promptly reported to the parent/legal guardian of the involved student. Correlated with Delaware Department of Education Regulation 601 School/Police Relations, 2005.

**GLOSSARY** - *As used in this Code; Guided by DOE Reporting School Crimes & Delaware Code, Title 14, Section 4112:*

**Abusive Language to Staff** – student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar towards an employee of the Milford School District.

**Administrative Referral** - disciplinary student conference with the principal or assistant principal for the purpose of eliciting student improvement and determining consequences for inappropriate actions.

**Assault III (Misdemeanor)** – intentionally or recklessly causes physical injury to another person.

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

**Attorney General Report and Off Campus Conduct** - The Code of Conduct shall also apply to all **Attorney General Reports** and to **Off Campus Conduct** (Out-of-School Conduct) of a student if the District believes that the student presents a threat to the health, safety or welfare of other students and staff. In such cases, the District may take appropriate action including expulsion. Such conduct shall include, but is not limited to: 1) acts of violence which are punishable by law; 2) sexual offenses which are punishable by law; 3) the sale and/or transfer of drugs which is punishable by law; and 4) terroristic threats against the school and/or school personnel. The District may take appropriate action including expulsion.

**Behavioral Contract** - When repeated inappropriate behaviors occur or when a student fails to respond to recommended or required consequences for inappropriate behaviors, the student may be placed in a behavioral contract. A behavioral contract is an agreement between a student, the student's parent(s) or guardians, and an administrator. The behavioral contract will specifically state the conditions that, unless met, will result in a recommendation for further disciplinary action.

**Bus Violation(s)** - individual or group behavior which seriously or repeatedly interferes with effective functioning of the bus driver.

**Bullying** – defined as when one person or group of persons, targets another person with repeated direct or indirect negative actions over a period of time which is harmful to the victim either physically or emotionally. A negative action occurs when a person knowingly inflicts, or attempts to inflict physical or emotional injury or discomfort upon another person.

**Central Review Committee** - To consider students who have repeatedly and/or seriously violated school rules and regulations and have been referred by a school review committee or administrator. Committee is headed by the Director or Instruction/Designee and is made up of school personnel from throughout the district. Committee will pass on its recommendation to the Superintendent/Designee.

**Cheating** - To be dishonest or deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving or receiving answers, test questions, work results, or projects.

**Class Cutting (Skipping Class)** - Absence from a class for more than 10 minutes without authorization or approved reason. Students must have prior written approval from sending and receiving staff for arrangements to miss an assigned class to attend another class during that time.

**Code** - the Student Code of Conduct.

**Crime** – includes a felony, misdemeanor or violation defined in the Delaware Code, as well as behavior of a person under 18 years of age which would be considered a felony, misdemeanor or violation if it had been committed by an adult.

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

**Defiance of School Authority** - student uses defiant verbal or non-verbal behavior towards school personnel.

**Disobedience** - Refusal by a student to comply with a directive given by school personnel.

**Disruption of the Educational Process** - Individual or group behavior which seriously or repeatedly interferes with effective functioning of the teacher, student, or class in the classroom; individual or group behavior outside of the classroom which seriously or repeatedly interferes with effective functioning of the teacher, student, class, or school.

**Disciplinary Probation** - a student must fulfill specific commitments for a specified time. If the student fails to fulfill the commitments, she/he will be referred to the School Review Committee for a decision about further actions, which may include a referral to the Central Review Committee, the possibility of a recommendation of expulsion and/or alternative placement, and a hearing before the Board.

**Extended School** - an established time after school when a student is detained in a supervised area.

**Extortion** – School Violation - student attempts to obtain money or goods from another by threat or force.

**Failure to Report for Detention** - not showing up for a detention without prearranged permission.

**Failure to Report for Disciplinary Action** - not showing up for ISS without prearranged permission or failing to go to office or refusal to give name.

**Fighting** - two or more students are involved in an aggressive physical contact (mutual exchange of blows).

**Fire Alarm Incident** - intentionally set off a false school fire alarm, or call in a false 911 emergency directly or indirectly; recklessly damage or interfere with effective functioning of school's fire alarm system.

**Forgery or School Correspondence Destruction** - this includes but is not limited to making something false for the purpose of deception or fraud, altering something for the purpose of deception, or using a false name or identification.

**Harassment** - sexual harassment or harassment is defined as misconduct by students based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.

**Horseplay and/or Reckless Play** - reckless play including but not limited to: detonating caps or snaps, hair pulling, pinching, pushing or tripping, running, slamming or kicking doors, sticking, stinging, tacks on chair or floor, throwing objects, etc..

**Inappropriate Behavior** - uses, or threatens to use, language, gestures, or actions which create or might create a disturbance, including gossip and rumors; uses remarks, spoken or written, that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or religious beliefs, family, sexual orientation, social or cultural background; after teacher has intervened and warned student, the student continues refusing to participate in class---not completing classwork and participating in group activities; possessing the property of another without the consent of the owner or transferring the property of another without the consent of the owner; the use of bold, rude, or disrespectful insulting remarks or actions; violating classroom rules not specifically covered by the student code; entering school late without notifying the office personnel; releasing potentially dangerous chemicals or gases; possession of or igniting explosive devices; joining in a secret agreement to violate school or classroom rules, planning or discussing actions which are a violation of school or classroom rules.

**Inappropriate Sexual Behavior** - any request or suggestion of action by one or more persons involving the use or display of those parts of the body generally referred to as "private" (unacceptable in public) in which he/she knows this conduct is likely to cause alarm to another person; explicit sexual actions or display; explicit written or spoken words of a sexual nature (includes photographs, other pornography and sexually related items).

**Gambling – School Violation** - student participates in games of chance for money and/or other things of value.

**Leaving School Grounds Without Permission** - leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student's scheduled day.

**Loitering** - student is present in any school area without authorization including student on school property after dismissal.

**Notification** – direct contact by telephone, in person, or by certified mail, unless otherwise designated.

**Obscene** - to use lewd, disgusting, offensive, or repulsive materials, language or gestures.

**Open Display of Affection** - this includes but is not limited to hugging, kissing, or any display of affection.

**Parent** – includes natural parent, adoptive parent, or any person, agency, or institution that has temporary or permanent custody or guardianship over a student under 18 years of age.

**Parent Contact or Conference** - means a telephone contact, written communication or meeting with a parent/legal guardian in person unless otherwise designated.

**Possession of Unauthorized Communication/Electronic Device** - this includes but is not limited to beepers, cell phones, CD players, giga pets, lasers, camera, and all electronic equipment, etc. NOTE: Cell phone power must be turned off and out of sight during the school day. Cell phone use during the school day within the school building is prohibited.

**Profanity, Use of** - student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar.

**Provoke** - to incite, stimulate, or encourage a student or students to fight by verbal or physical activity.

**Referral to Social Services Agencies** - a recommendation that the student seek help from a public or

private social services agency.

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

**School Employee** – includes all persons 18 years of age or older hired by a school district; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property.

**School Function** – includes any field trip or any officially sponsored public school event in the State.

**School Volunteer** – a person 18 years of age or older who, without compensation, renders service to a public school. “School Volunteer” includes parents who assist in school activities or chaperone school functions.

**Stealing/Theft** - act of possessing or transferring the property of another without the consent of the owner. This includes failure to pay for lost, damaged, or non-returned goods. the District is not responsible for student property which is lost, damaged or stolen on school property or at school sponsored activities.

**Tardiness** – late to class without authorization or approved reason.

**Tobacco** - possession or distribution of any tobacco product and/or lighted cigarette (cigar, pipe, etc.), inhaling or exhaling smoke, chewing or using tobacco products.

**Trespassing** – the student does not have a legitimate reason, or permission from a school administrator, for being on school property or remains unlawfully upon school property.

**Truancy** – an unexcused absence; refer to MSD Attendance Policy #5403. Chronic Truants will be referred to Truancy Court.

**Unauthorized Use of Technology** - it is a violation of Delaware Law for persons to make unauthorized computer access, make theft of services or equipment, cause interruption of services, alter, delete, tamper with, or destroy computer hardware or software. Includes but not limited to: accessing inappropriate internet sites, downloading large files without permission, broadcasting network messages, logging in to another person’s directory.

**Unsafe Driving** - student drives any vehicle on school property (or while under jurisdiction of school authority) with disregard for the safety of persons or property (including other forms of transportation). Includes, but not limited to, driving on the grass, failure to stop, or excessive speed.

**Unsafe Items** – utility knives, ice pick, lighter, pocket knife, scissors, and anything as deemed unsafe by the administration.

**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.

**Written Report** – includes printed paper filings and electronic filings that can be printed.

REVISED: 5/24/99; 9/27/99; 5/22/00; 5/21/01; 6/24/02; 6/23/03; 6/24/04; 5/23/05; 6/26/06; 10/23/06; 1/29/07; 4/23/07; 7/9/07; 12/17/07; 05/19/08; 6/29/09; 4/26/10; 5/17/10; 8/23/10; 10/25/10; 2/28/11; 7/11/11

**AFFIRMATIVE ACTION PRACTICES**

The District is an equal opportunity educational institution and will not discriminate on the basis of race, color, national origin, sex, or handicap in the actions, programs, or employment practices as required by Title VI, Title IX and Section 504.



**MILFORD SCHOOL DISTRICT**

906 Lakeview Avenue  
Milford, DE 19963  
(3020 422-1600)

**STUDENT'S EXPLANATION FOR REFERRAL TO ADMINISTRATOR**

NAME \_\_\_\_\_ GRADE \_\_\_\_\_ DATE \_\_\_\_\_

**INSTRUCTIONS:**

Please complete this form as indicated:  
Use your best handwriting and demonstrate good English usage:

1. Who referred or sent you to the office?
  
2. When were you sent here?

DATE \_\_\_\_\_ TIME \_\_\_\_\_

3. Why were you sent here? (Be very specific – this is your opportunity to provide your “side of the story”. Give a honest and complete account of what occurred. You may use the back of this paper if necessary.)

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(Please continue on back)

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**MILFORD SCHOOL DISTRICT**  
906 Lakeview Avenue  
Milford, DE 19963  
(3020 422-1600)

Date \_\_\_\_\_

Dear Parent/Guardian:

\_\_\_\_\_ has been suspended for \_\_\_\_\_ day(s)

for the following reason(s) \_\_\_\_\_

\_\_\_\_\_

- Because of this unacceptable behavior, your son/daughter will not be allowed to attend school during the suspension period that begins on \_\_\_\_\_, \_\_\_\_\_,  
(day) (date)
- During the suspension your son/daughter is not allowed on any school premises. Violation of this may constitute trespassing.
- Your child is expected to make up class work missed while absent due to the suspension.
- You may obtain your child's missed class work by contacting \_\_\_\_\_ at  
(302) \_\_\_\_\_ - \_\_\_\_\_.
- A conference has been scheduled for you on \_\_\_\_\_, \_\_\_\_\_  
(day) (date)  
at \_\_\_\_\_ a.m./p.m. to discuss your child's behavior.
- Your child is expected to return to school on \_\_\_\_\_, \_\_\_\_\_  
(day) (date)

If you have any questions about this suspension or to arrange to pick up your child's missed class work, please call (302) \_\_\_\_\_ - \_\_\_\_\_.

Sincerely,

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**policy, he/she should contact the Title IX Coordinator or the District 504 and ADA Coordinator, 906 Lakeview Avenue, Milford, Delaware 19963. Telephone: (302) 422-1600.**

**MILFORD SCHOOL DISTRICT**  
906 Lakeview Avenue  
Milford, DE 19963  
(3020 422-1600)

Student \_\_\_\_\_

Class \_\_\_\_\_

Date \_\_\_\_\_

I understand that I have received a suspension for \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- I have had a conference with a school administrator.
- I have been able to tell my side of the story about the incident.
- I have been given a letter to take home to my parent/guardian explaining the suspension and scheduling a parent conference.

During the period of suspension:

- I may not be on the school's property.
- I am expected to make up class work missed during the suspension
- My parent may obtain class work by contacting the school.
- It is my responsibility to complete the class work and return it to my teacher(s) within \_\_\_\_\_ days of my return to school.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Witness (School Staff, if applicable)

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**MILFORD SCHOOL DISTRICT**

906 Lakeview Avenue  
Milford, DE 19963  
(3020 422-1600)

**SCHOOL BUS SUSPENSION FORM**

School \_\_\_\_\_ Date \_\_\_\_\_

Name of Student \_\_\_\_\_

Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

Date of Suspension \_\_\_\_\_

Dear Parent/Guardian:

\_\_\_\_\_ has been suspended from riding the school bus for \_\_\_\_\_ day(s) for the following reason(s) \_\_\_\_\_

- Because of this unacceptable behavior, your son/daughter will not be allowed to ride the bus during the suspension period that begins on \_\_\_\_\_, \_\_\_\_\_.

He/she may resume riding the bus on \_\_\_\_\_, \_\_\_\_\_.  
(day) (date)  
(day) (date)

- During the suspension period, the parent/guardian will be responsible for making transportation arrangements for the child to and from school.

**Please indicate below how your child will be transported to and from school during the time of the bus suspension (i.e. parent will drive student to and from school; student will walk to and from school; student will be dropped of by relative, etc.) and return a copy of this form to the administrator.**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Parent Signature

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**policy, he/she should contact the Title IX Coordinator or the District 504 and ADA Coordinator, 906 Lakeview Avenue, Milford, Delaware 19963. Telephone: (302) 422-1600.**