

HOME of the BUCCANEERS

906 Lakeview Avenue Milford, DE 19963

Phone: (302) 422-1600

**AGENDA FOR TUESDAY, JULY 11, 2022, AT 6:00 PM
REORGANIZATION AND REGULAR BOARD MEETING**

The Milford Board of Education will hold this meeting electronically and in-person in the Milford High School Auditorium.

Public may access this electronic meeting at the following link:

<https://milford.webex.com/milford/j.php?MTID=m1cbcf0340d5c52b952de2c4cc9a935b6>

Event password: board

Event Number: 2624 406 7733

To access the meeting via audio conference, members of the public may use the following information:

Dial In: +1-415-655-0001

Access Code: 262 440 6773

The board will open in regular session for the reorganization portion of the meeting prior to adjourning into executive session for the reasons identified below, then return back into open session for the regular meeting portion at approximately 7:00 pm.

1. Call to Order by President
2. Pledge of Allegiance
3. Changes to Agenda
4. Superintendent Verifies the Issuance of Certificate of Election to Newly Elected Board Member

5. **President Administers Oath of Office (14 Del. Code §1053) to New Elected Board Member**

§1053 Oath of Office of the School Board Member

"I do solemnly swear (of affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Delaware, and the laws of Delaware governing public education and that I will faithfully discharge the duties of the office of school board member according to the best of my ability; and I do further solemnly swear (of affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed, or offered to or promised to contribute, any money or other valuable thing as consideration or reward for the giving or withholding of a vote at the election which I was elected to said office, so help me God (or so I affirm)."

6. **Roll Call**

_____ Mr. Matthew Bucher
_____ Dr. Adam Brownstein
_____ Mr. Scott Fitzgerald
_____ Mr. Kristopher Thompson

_____ Mr. David Vezmar
_____ Mrs. Jean Wylie
_____ Mr. Jason Miller

7. **Executive Secretary asks for Nominations for the Office of President**
 - A. Board Members nominate (No second is required)
 - B. Executive Secretary: Any other nominations?
 - C. Board Member moves that the nominations be closed
 - D. Second motion to close
 - E. Temporary Chairperson reads list of nominees
8. **Executive Secretary – Election of President Action Item**
 - A. If one nominee – voice vote.
 1. If unanimous “yes”, Executive Secretary declares results
 2. If not unanimous, Executive Secretary calls for roll call vote, announces count, and declares winner (If majority of 4)
 - B. If more than one nominee, Executive Secretary calls for roll call vote, announces count, and declares winner (If majority of 4)
 - C. If no one received four (4) votes, Executive Secretary calls for another roll call vote
9. **Newly Elected President Assumes Office**
10. **President Asks for Nominations for the Office of Vice President**
 - A. Board Members nominate (No second is required)
 - B. President: Any other nominations?
 - C. Board Member moves that the nominations be closed
 - D. Second motion to close
 - E. President reads list of nominees
11. **President – Election of Vice President Action Item**
 - A. If one nominee – voice vote
 1. If unanimous “yes”, President declares results
 2. If not unanimous, President calls for roll call vote, announces count, and declares winner (If majority of 4)
 - B. If no one received four (4) votes, call for another roll call vote
12. **President, On Behalf of Board, Designates Dr. Dickerson, Superintendent, as Executive Secretary of The Milford Board of Education for 2022-2023 School Year Action Item**
13. **Approval of Minutes**
 - A. Regular Meeting Minutes for May 26, 2022 Action Item
 - B. Regular Meeting Minutes for June 13, 2022 Action Item
14. **Adjournment to Executive Session Action Item**
 - A. Personnel Matters – See 29 Del. C §10004(b)(9)
 1. Discussion of the Personnel Report and the competencies of staff recommended for hire.
 - B. Strategy Session – See 29 Del. C §10004(b)(4)
 2. Discussion pertaining to collective bargaining
15. **Return to Open Session (anticipated at 7:00 pm) Action Item**
16. **Personnel – Dr. Jason Peel**
 - A. Personnel Action Item
17. **Transportation – Mr. LoBiondo**
 - A. Recommendation to transfer RJK bus routes #16 & #60 to Steven’s Bus Service Action Item
 - B. Transportation Services for Field Trips and Athletics

18. **Public Comment**
19. **Superintendent Reports – Dr. Kevin Dickerson**
 - A. Recognitions
 - B. State Audit of District’s Finances for FY21
20. **Business – Dr. Sara Croce**
 - A. Kent County and Sussex County Tax Rates Proposal *Action Item*
21. **Buildings and Grounds – Mr. Mike Sharp**
 - A. MHS Modular Update
22. **Instruction and Student Programs – Dr. Bridget Amory**
 - A. Field Trips *Action Item*
23. **Student Services – Ms. Manges**
 - A. Autism Program Evaluation Report (APERS)
24. **Board Discussion**
 - A. DSBA Updates
 1. Election of Executive Committee Representative *Action Item*
 2. Election of Executive Committee Alternate *Action Item*
 3. Election of Legislative Committee Representative *Action Item*
 4. Election of Legislative Committee Alternate *Action Item*
 - B. Introduction of New Board Policy
 1. ADA Equal Accommodations
 - C. Introduction of Recommended Draft Revisions of Board Policy
 1. Revised Board Policy 5414 Student Code of Conduct: Elementary Schools Grades K-5 – First Read
 2. Revised Board Policy 8203 Faculty Representation to Board of Education – First Read
 3. Revised Board Policy 8204 Student Representation to Board of Education – First Read
 - D. Recommended Revised Draft Board Policies for Action
 1. Revised Board Policy 4303B Local Salary Supplement: Chief Custodian *Action Item*
 2. Revised Board Policy 5404 Student Code of Conduct: Secondary Schools *Action Item*
 - E. Recommended Deletion of Board Policy
 1. Delete Board Policy 5405 Demerit System Grades 6-12 *Action Item*
25. **Adjournment** *Action Item*



MILFORD SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR BOARD MEETING
MAY 26, 2022

Board Members in Attendance	
Mr. Jason Miller, President	Mr. Kristopher Thompson
Dr. Adam Brownstein	Mrs. Jean Wylie
Mr. Scott Fitzgerald	Dr. Kevin Dickerson, Executive Secretary

The Regular Meeting of the Board of Education was called to order by President Mr. Miller at 8:00 am on Thursday, May 26, 2022.

PLEDGE OF ALLEGIANCE

ADJOURNMENT TO EXECUTIVE SESSION

MOTION MADE BY MR. THOMPSON/SECONDED BY DR. BROWNSTEIN to adjourn into Executive Session at 8:02 AM. **Motion passed unanimously.**

RETURN TO OPEN SESSION

MOTION MADE BY MR. THOMPSON/SECONDED BY MRS. WYLIE to adjourn Executive Session at 8:35 AM. **Motion passed unanimously.**

PERSONNEL – Dr. Peel

Personnel Report

MOTION MADE BY MRS. WYLIE/SECONDED BY DR. BROWNSTEIN to accept the Personnel Report as presented during Executive Session.

City Project Partnership – Multi-modal pathway on MSD property along 10th street

Dr. Dickerson presented the City of Milford's proposal of a multi-modal pathway along 10th street on school district property between the Briggs Stadium parking lot and 10th street. Dr. Dickerson stated there is not a permanent easement draft from the City at this time. The school district has requested a permanent easement. Dr. Brownstein expressed safety concerns regarding parking during busy school events such as football games. Mr. Miller suggested looking at storm water management to see if there are adequate resources to handle storm water runoff with the additional impervious surface that the pathway would create. The Board suggested that this item be brought back to the June meeting if there is a draft of a permanent easement.

PUBLIC COMMENT – none

ADJOURNMENT

MOTION MADE BY MR. THOMPSON/SECONDED BY DR. BROWNSTEIN that the Regular Meeting of the Milford Board of Education held on Thursday, May 26, 2022, adjourn @ 8:47 AM. **Motion passed unanimously.**

Kevin Dickerson, Executive Secretary

Trish Gerken, Recording Secretary

MILFORD SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR BOARD MEETING
JUNE 13, 2022

Board Members in Attendance	
Mr. Jason Miller, President	Mr. Scott Fitzgerald
Mr. Rony Baltazar-Lopez, Vice President	Mr. David Vezmar
Dr. Adam Brownstein	Dr. Kevin Dickerson, Executive Secretary

The Regular Meeting of the Milford Board of Education was called to order by President Mr. Miller at 6:01 PM on Monday evening, June 13, 2022.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

MOTION MADE BY MR. FITZGERALD/SECONDED BY DR. BROWNSTEIN to approve the Regular Meeting Minutes for May 16, 2022. **Motion passed unanimously.**

APPROVAL OF MINUTES

MOTION MADE BY MR. FITZGERALD/SECONDED BY DR. BROWNSTEIN to approve the Regular Meeting Minutes for May 26, 2022. **Motion was not passed.**

Mr. Baltazar-Lopez – Abstain

Dr. Brownstein – Y

Mr. Fitzgerald – Y

Mr. Vezmar – Abstain

Mr. Miller – Y

TABLE MAY 26, 2022 MINUTES

MOTION MADE BY MR. BALTAZAR-LOPEZ/SECONDED BY MR VEZMAR to table the Regular Meeting Minutes for May 26, 2022. **Motion passed unanimously.**

ADJOURNMENT TO EXECUTIVE SESSION

MOTION MADE BY MR. VEZMAR/SECONDED BY DR. BROWNSTEIN to adjourn into Executive Session at 6:05 PM. **Motion passed unanimously.**

RETURN TO OPEN SESSION

MOTION MADE BY MR. FITZGERALD/SECONDED BY DR. BROWNSTEIN to adjourn Executive Session at 7:20 PM. **Motion passed unanimously.**

PERSONNEL – Dr. Peel

Personnel Report

MOTION MADE BY MR. VEZMAR/SECONDED BY MR. FITZGERALD to accept the Personnel Report as presented during Executive Session.

District Employees of the Year

Dr. Peel recognized the following Milford School District Employees of the Year with a PowerPoint presentation:

Custodian Employee of the Year: Craig Smith

Maintenance Employee of the Year: Rudy Hitchens

Related Services Employee of the Year: Stephanie DeLorenzo

School Nurse of the Year: Colleen Dean

Child Nutrition Employee of the Year: Shrona Daniels

Technology of the Year: Austin Dukes

Counselor of the Year: Kate Lynch

Administrative Assistant of the Year: Dawn Guyer

Morris Paraprofessional of the Year: Chelsea Magee
Banneker Paraprofessional of the Year: Jessica Mazon
Mispillion Paraprofessional of the Year: Tynice Duffie
Milford Central Academy Paraprofessional of the Year: Jawon Sivels
Milford High School Paraprofessional of the Year: Christopher Timm
District Paraprofessional of the Year: Lisa McQueen

Recognitions during the meeting:

Ms. Manges presented Ms. Rosa DiPiazza as the 1st Behavioral Health Professional of the Year
Dr. Dickerson presented Mrs. Cindy McKenzie, Principal at Lulu Ross Elementary School as Delaware's National Distinguished Elementary Principal
Dr. Peel presented Milford High School Teacher Academy teacher Ms. Molly Chorman and Ms. Chorman presented Milford High School Teacher Academy Students: Mystery Parsons-Villa, Anneliese Hatfield, and Haley Thompson
Senator David Wilson presented a Senate Tribute to MHS Wrestling Coach Mr. Don Parsley for accomplishing his 300th career coaching win

CHANGES TO AGENDA

The following items were removed from the agenda:
12A City Project Partnership: Multi-Modal pathway on MSD property along 10th street
16C3 Revised Board Policy 5414 Student Code of Conduct: Elementary Schools Grades K-5

PUBLIC COMMENT

In favor of naming MHS Auditorium for Dr. Gerald Thompson, Ms. Rescigno sang "Home" and the following people expressed their opinions in support of renaming the auditorium: Ms. Bragg, Mr. Hardman, Mr. Ranney, Mr. Rescigno, Ms. G. Pikus, Mr. Nieves, Ms. Dennehey, Ms. Rash, Ms. McDonough, Mr. Camper, Ms. E. Pikus, Ms. Shackleford, Mr. Pistone and Ms. Spahr.

SUPERINTENDENT'S REPORT

Milford High School Auditorium Naming

MOTION MADE BY MR. VEZMAR/SECONDED BY MR. FITZGERALD to approve renaming the Milford High School auditorium in memory of Dr. Gerald Thompson. **Motion passed unanimously.** Mr. Fitzgerald, Mr. Vezmar and Dr. Brownstein expressed their support in renaming the auditorium.

Further Recognitions were moved to a future board meeting

Upcoming Events

June 14th is the last day of school for students. June 17th is the End of Year recognition ceremony for retirees and Employees of the Year.

SRO Contract

MOTION MADE BY MR. FITZGERALD/SECONDED BY MR. BALTAZAR-LOPEZ to approve the City of Milford Police Department/Milford School District School Resource Office Agreement. **Motion passed unanimously.**

Additional June 2022 Board Meeting

MOTION MADE BY MR. VEZMAR/SECONDED BY DR. BROWNSTEIN to approve June 27, 2022 @ time TBD as an additional Board meeting. **Motion passed unanimously**

2022-2023 Regular Board Meeting Schedule

MOTION MADE BY MR. FITZGERALD/SECONDED BY DR. BROWNSTEIN to approve the 2022-2023 Regular Board Meeting Schedule. **Motion passed unanimously.**

DSBA 2022-2023 Contract

MOTION MADE BY DR. BROWNSTEIN/SECONDED BY MR. FITZGERALD to approve the

DSBA 2022-2023 Contract. **Motion passed unanimously.**

Recommendation of Premier Physical Therapy and Sports Performance, LP for Athletic Training Services

MOTION MADE BY DR. BROWNSTEIN/SECONDED BY MR. FITZGERALD to approve Premier Physical Therapy and Sports Performance, LP for Athletic Training Services contingent upon clarification that an Athletic Trainer will be onsite daily. **Motion passed unanimously.**

BUSINESS – Dr. Croce

Revenue and Expenditure Report

MOTION MADE BY DR. VEZMAR/SECONDED BY DR. BROWNSTEIN to approve the Revenue and Expenditure Reports as of May 31, 2022. **Motion passed unanimously.**

Final Fiscal Year 2022 Budget Adjustments

MOTION MADE BY DR. BROWNSTEIN /SECONDED BY MR. FITZGERALD to approve the Final Fiscal Year 2022 Budget Adjustments. **Motion passed unanimously.**

Preliminary Fiscal Year 2023 Budget

MOTION MADE BY MR. BALTAZAR-LOPEZ/SECONDED BY DR. BROWNSTEIN to approve the Preliminary Fiscal Year 2023 Budget. **Motion passed unanimously.**

BUILDINGS AND GROUNDS – Mr. Sharp

Recommendation of Negotiated Agreement with BSA+A for Architectural Engineering Services for the MMS Project

MOTION MADE BY MR. BALTAZAR-LOPEZ/SECONDED BY MR. FITZGERALD to resolve that Milford School District Board of Education elects to proceed with BSA+A Architectural Engineering Services as the architect for the Middle School construction project and approves the architect in substance and authorizes the superintendent and counsel to negotiate final terms, and the Superintendent to then execute and deliver said contract. **Motion passed unanimously.**

INSTRUCTION AND STUDENT PROGRAMS – Dr. Bridget Amory

Standards Based Report Card

MOTION MADE BY DR. BROWNSTEIN/SECONDED BY DR. VEZMAR to approve Standards Based Report Cards as presented. **Motion passed unanimously.**

STUDENT SERVICES – Ms. Laura Manges

Elementary Emotional Support Classrooms

Ms. Manges reported that the district is proactively planning to deal with higher rates of behavioral and mental health issues in elementary schools by partnering with Specialized Education Services, Inc. This support would help build the classroom and provide staffing to provide individualized academic programming, use research-based behavior modification and address at-risk students by using PBIS and restorative practices. The program would be funded by IDEA.

EQUITY AND SUPPORT SERVICES – Dr. Jason Peele

Restorative Practices Update

Dr. Peel reported that the district is continuing to engage in planning for restorative practices training and implementation next school year.

BOARD DISCUSSION

DSBA Update

Mr. Fitzgerald reviewed HB277, HB395, SB248, and SB270 from the legislative committee meeting.

RECOMMENDED REVISED DRAFT BOARD POLICIES FOR ACTION

Revised Board Policy 4220 Smoke-Free/Tobacco-Free Policy

MOTION MADE BY DR. BROWNSTEIN/SECONDED BY MR. FITZGERALD to approve revised Board Policy 4220 Smoke-Free/Tobacco-Free Policy. **Motion passed unanimously.**

RECOMMENDED DRAFT REVISIONS OF BOARD POLICIES FOR READ ONLY

- Dr. Croce and Mr. Sharp presented the revised Board Policy 4303B Local Salary Supplement: Chief Custodian
- Dr. Peel presented the revised Board Policy 5404 Student Code of Conduct: Secondary Schools

RECOMMENDED DELETION OF BOARD POLICIES FOR READ ONLY

- Dr. Peel presented Board Policy 5405 Demerit System Grades 6-12 for deletion

Mr. Baltazar-Lopez read a statement to his colleagues, school district community, family and loved ones that it has been a privilege and honor to serve as a school board member representing the At-Large area.

ADJOURNMENT

MOTION MADE BY MR. BALATAZAR-LOPEZ/SECONDED BY DR. BROWNSTEIN that the Regular Meeting of the Milford Board of Education held on Monday, January 24, 2022, adjourn @ 9:40 PM. **Motion passed unanimously.**

Kevin Dickerson, Executive Secretary

Theresa Blocker, Recording Secretary

Milford School Board Members,

Please accept this request to transfer ownership of two buses that provide transportation for Milford School District. RJK Transportation seeks to transfer Bus #16 and Bus #60 contracts to a new contractor, Stevens Transportation LLC.

Bob Koppenhaver of RJK Transportation has acknowledged that he is holding the financial note on both buses being transferred to Stevens Transportation LLC.

Proof of insurability has been included in the packet as well and meets the state standards.

Mr. Stevens has no letters of warning or reprimand in his file.

The following are the state and district policies outlining the process for such transfers. Please see the highlighted section (c) in Delaware Chapter 14 as this pertains to our current situation with the contractors' transferring contracts.

Delaware Chapter 14 Chapter 29. Transportation of Pupils

§ 2908. Renewal of transportation contracts; transfer; letters of commitment.

(a) When a transportation contract is due to expire for a reason other than the fact that the bus described in said contract is of such vintage that it can no longer be used to transport pupils, a renewal of said contract shall be first offered to the school bus contractor who is party to the expiring contract. In the event that a contractor does not wish to renew the contract, said contract shall be opened to all other interested persons in that area by means of notice published in at least 2 Delaware newspapers of general circulation.

(b) If no parties can be found to assume the responsibilities of contracts expiring pursuant to this section, the department or agency responsible for the transportation of public-school pupils shall furnish the transportation previously afforded under the expiring contract.

(c) (1) A school transportation contract may be transferred from a contractor to another party contingent upon approval of the local board of education. In the event that a transfer is proposed by the current contractor, the advertising requirement contained in subsection (a) of this section shall not apply.

(2) A local board of education may disapprove the transfer of a transportation contract to another party only for just cause. Just cause shall be limited to the following criteria: Financial stability, insurability, record of service in that or another Delaware school district, and personal and/or business resume including references.

(3) If the school board decides to reject the prospective contractor, it shall notify that contractor of its decision and provide reasons why that contractor is not acceptable to the district. This discussion may be held in a closed session and the results and reasons shall be disclosed only with the approval of the proposed contractor. In the event that the district rejects the proposed contractor, the current contractor shall have the following options.

- a. Continue to operate the bus; or
- b. Give up the contract at the end of the year or sooner if allowed by the district; or
- c. Find a new contractor which will meet the criteria.

(4) In the event the contractor

(5) No contract shall be deemed effectively transferred until said transfer is approved by the local board of education and the Department of Education.

Milford School District Policy 3401 Part B

B. Transfer of Transportation Contracts (Reference 14 Delaware Code §2908)

1. Transfers of public-school transportation contracts shall comply with 14 Delaware Code, Section 2908, and procedures outlined by the State Board of 3401 -3- Education. No contract shall be deemed effectively transferred until said transfer is approved by the Milford Board of Education and the State Board of Education.

2. Requirements and Procedures (a) Transfer of school bus contracts from one contractor to another party is permitted under the following conditions.

(1) Proof of financial ability to acquire necessary equipment.

(2) Proof of insurability.

(3) Current Contractors, both under contract or providing independent services to children of the Milford School District -- Any contractors with two or more letters of warning or reprimand in the past five years, issued by the superintendent or assistant superintendent, are not eligible for consideration.

(4) Potential Contractors - The names, addresses and phone numbers of four business and personal references.

Thank you for your consideration.

Jon LoBiondo

Timothy Stevens
Stevens Transportation LLC
935 Blair's Pond Rd
Houston, DE 19954

June 27, 2022

Members of The Milford School Board,

I am purchasing the buses currently contracted on Routes 16 & 60 from RJK Transportation Inc. I am requesting the contracts for those routes be transferred our company. I have been a license School Bus Driver in the State of Delaware for over 30 years. More recently, I have driven for RJK Transportation and D & N Bus Service as a trip driver in the Milford School District. I am prepared to meet all requirements of a School Bus Contractor. I have secured the equipment and insurance required to operate the routes. Thank you for your consideration of this request.



Timothy Stevens
Stevens Transportation LLC

*D&N Bus Service Inc.
20774 Cedar Beach Road
Milford, DE 19963*



July 1, 2022

To whom it may concern,

This letter is in reference to the character of Tim Stevens. I have known Tim now for about 7 years. So far we have worked together on many occasions, trips and sports mainly. He has always helped to get the job done properly. He is someone that you can rely on at any moment of any day. On every instance we worked together, he has always been safe, punctual and professional with all of his passengers. Trustworthy, honesty and integrity are three things that sum up Tim Stevens.

If there is anything else needed, questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ryan O. Moore". The signature is written in a cursive, flowing style.

*Ryan O. Moore
President
D&N Bus Service, Inc.*

RJK Transportation Inc

1118 School Street
Houston, DE 19954
Phone: 302-422-3188
Fax: 302-422-2750
Email: bob@rjktrans.com

June 27, 2022

Members of The Milford School Board,

We are selling the buses contracted on Routes 16 & 60 to Mr. Timothy Stevens of Stevens Transportation LLC. I am requesting that the route contracts be transferred, as well. We are selling the equipment currently contracted on the above routes and are holding the note for them. Mr. Stevens has been an employed by our company as a school bus driver for over 11 years. I have found him to be dependable and conscientious employee. I believe he will make a good School Bus Contractor for the Milford School District. Thank you for your consideration of this request.

Sincerely,

Robert J. Koppenhaver, President

Robert J Koppenhaver, President
RJK Transportation Inc

Personal References

1. Nathaniel Speaks, III

354 Willis Branch Drive

Dover, De 19904

(302) 632- 9882

2. Marvin Moore

391 Merganser Drive

Magnolia, De 19962

(302) 242-2912

3. Carey Smith, Sr.

1743 Slaughter Station Rd

Hartley, De 19953

(302) 725-9652



PHILADELPHIA
INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

PROPOSAL FOR INSURANCE

Quotation Number: 15729234

Proposal Date: 06/29/2022

Named Insured and Mailing Address:

Stevens Transportation LLC
935 Blairs Pond Rd
Houston, DE 19954-2317

Producer: 3955

S.T.GOOD INSURANCE, INC.
875 AAA Blvd Ste A
Newark, DE 19713

Contact: Jason Conner

Phone: (302)328-1888

Fax: (999)999-9999

Insurer: Philadelphia Indemnity Insurance Company

Policy Period From: 07/01/2022

To: 07/01/2023

Proposal Valid Until: 07/01/2022

at 12:01 A.M. Standard Time at your mailing address shown above.

Product: School Bus Contractors

Submission Type: New Business

PHLY Representative: Coia, Gino P. III

PHLY Representative Phone: (609) 512-3876

Email: Gino.Coia@phly.com

Underwriter:

Sokolowski, Joseph

Underwriter Phone:

(609) 512-3866

Email: Joe.Sokolowski@phly.com

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO EXTEND INSURANCE AS STATED IN THIS PROPOSAL.

THIS PROPOSAL CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

Commercial General Liability Coverage Part
Commercial Auto Coverage Part

PREMIUM

\$	660.00
\$	3,824.00

The Total Premium includes Federal Terrorism Risk Insurance Act Premium in the amount of:

TOTAL	\$	4,484.00
	\$	1.00

Bill Plan Options:*

- 25% Down and 9 Consecutive Monthly Installments - Combined minimum premium must be \$6,000
- 25% Down and 5 Consecutive Monthly Installments - Combined minimum premium must be \$3,333
- 25% Down and 3 Consecutive Monthly Installments - Combined minimum premium must be \$2,000
- 50% Down and 2 Consecutive Monthly Installments - Combined minimum premium must be \$2,000
- 30% Down and 3 Quarterly Installments - Combined minimum premium must be \$2,150
- Premiums under \$2,000 are Fixed Annual billing

*Bill plan options are only available for Direct Bill customers. All others require Fixed Annual billing

The premium shown is subject to the following terms and conditions:

A signed UM/UIM Selection/Rejection form is required upon binding. (If applicable.)

Any taxes, fees or surcharges included in the total premium shown on the proposal are not subject to installment billing.



PHILADELPHIA
INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

Proposal Date: 06/29/2022

Named Insured: Stevens Transportation LLC

Quotation Number: 15729234

The producer placing this policy may receive commission and additional underwriting profit share incentives. These incentives are based on the underwriting performance of this producer's book of business. Any questions about the nature of this compensation should be directed to the producer.

In order to complete the underwriting process, we require that you send us the additional information requested in the "conditions" section of this proposal. We are not required to bind coverage prior to our receipt, review and underwriting approval, of said additional information. However, if we do bind coverage, it shall be for a temporary period of not more than 30 days. Such temporary binding of coverage shall be void ab initio ("from the beginning") if we have not received, reviewed and approved in writing such materials within 15 days from the effective date of the temporary binder. This 30 day temporary conditional binder may be extended only in writing signed by the Insurer. Payment of premium shall not operate to extend the binding period or nullify the automatic voiding as described above.

This quotation is strictly conditioned upon no material change in the risk occurring between the date of this proposal and the inception date of the proposed policy (including any claim or notice of circumstances that which may reasonably expected to give rise to a claim under any policy of which the policy being proposed by this letter is a renewal or replacement). In the event of such change in risk, the Insurer may in its sole discretion, whether or not this quotation has been already accepted by the Insured, modify and/or withdraw this quotation.

Subject to the terms and conditions outlined above and prior to the quote expiration date, this quote may be bound by signing and dating below and by initialing, on the previous page, the option to be bound. This form will then act as the binder of coverage for 30 days from the date signed and may be distinguished by the Quotation number on page 1. This binder is only valid for 30 days.

No coverage is afforded or implied unless shown in this proposal.

This proposal does not constitute a binder of insurance.

This proposal is strictly limited to the terms and conditions herein. Any other coverage extensions, deletions or changes requested in the submission are hereby rejected.

Signature of Authorized Insurance Representative

Date

<input type="checkbox"/>	I decline to purchase terrorism coverage. I understand that I will have no coverage for losses arising from "certified" acts of terrorism, EXCEPT as noted above.
--------------------------	--

You, as the Insured, have 30 days after receipt of this notice to consider the selection/rejection of "terrorism" coverage. After this 30 day period, any request for selection or rejection of terrorism coverage WILL NOT be honored.

REQUIRED IN GA – LIMITATION ON PAYMENT OF TERRORISM LOSSES (applies to policies which cover terrorism losses insured under the federal program, including those which only cover fire losses)

The provisions of the Terrorism Risk Insurance Act, as amended, can limit our maximum liability for payment of losses from certified acts of terrorism. That determination will be based on a formula set forth in the law involving the national total of federally insured terrorism losses in an annual period and individual insurer participation in payment of such losses. If one or more certified acts of terrorism in an annual period causes the maximum liability for payment of losses from certified acts of terrorism to be reached, and we have satisfied our required level of payments under the law, then we will not pay for the portion of such losses above that maximum. However, that is subject to possible change at that time, as Congress may, under the Act, determine that payments above the cap will be made.

INSURED'S SIGNATURE _____
DATE _____



PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

Proposal Date: 06/29/2022

Named Insured: Stevens Transportation LLC

Quotation Number: 15729234

FORM SCHEDULE

Form	Edition	Description
BJP-190-1	1298	Commercial Lines Policy Jacket
PI-FEES-NOTICE 1	1119	Notice Late/Non-Sufficient Funds/Reinstatement Fee
PP2020	0220	Privacy Notice For Commercial Lines
CPD-PIIC	0614	Common Policy Declarations
Location Schedule	0100	Location Schedule
PI-BELL-1	1109	Bell Endorsement
PI-CME-1	1009	Crisis Management Enhancement Endorsement
IL0017	1198	Common Policy Conditions
IL0021	0908	Nuclear Energy Liability Exclusion Endorsement
IL0151	0112	Delaware Changes - Civil Union
IL0237	0412	Delaware Changes - Termination Provisions
PI-SAM-018	0519	Absolute Abuse or Molestation Exclusion
PI-TER-DN1	0121	Disclosure Notice Of Terrorism Ins Coverage Rejection
CADS03	0306	Business Auto Declarations
Auto Schedule	0100	Business Auto Schedule
Hired Or Borrowed Auto	0706	Schedule Of Hired Or Borrowed Covered Auto
CA0001	0306	Business Auto Coverage Form
CA0177	0412	Delaware Changes
CA0255	0412	Delaware Changes - Cancellation And Nonrenewal
CA2110	0306	Delaware Uninsured Motorists Coverage
CA2208	1197	Delaware Personal Injury Protection Endorsement
CA2209	0394	Delaware Added Personal Injury Protection Endorsement
CA2402	1293	Public Transportation Autos
PI-AUT-001	0116	Cap On Losses From Certified Acts Of Terrorism
PI-CA-020 SBC	1117	Commercial Auto Elite Endt - School Bus Contractors
Gen Liab Dec	1004	Commercial General Liability Coverage Part Declaration
Gen Liab Schedule	0100	General Liability Schedule
CG0001	1207	Commercial General Liability Coverage Form
CG0068	0509	Recording and Distribution of Material or Information
CG2132	0509	Communicable Disease Exclusion
CG2147	1207	Employment-Related Practices Exclusion
CG2167	1204	Fungi or Bacteria Exclusion
CG2170	0115	Cap On Losses From Certified Acts Of Terrorism
CG2402	1204	Binding Arbitration
PI-GL-001	0894	Exclusion - Lead Liability
PI-GL-002	0894	Exclusion - Asbestos Liability
PI-SAM-013 SBC	1117	Abusive Conduct Cov Sublimits - School Bus Contractors



PHILADELPHIA
INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

Named Insured: Stevens Transportation LLC

Proposal Date: 06/29/2022
Quotation Number: 15729234

AUTO COVERAGE

Total: \$ 3,824.00

Includes Terrorism of: \$ 4.00

Scheduled Auto

Sub Total: \$ 3,151.00

Covered Auto No.	Year, Make, Model, VIN number	Territory	State	Class Code
1	2015 BLUE BIRD SCHOOL BUS / TRANSIT, 1BAKGCPH0FF308	Houston	DE	6254
2	2017 BLUE BIRD SCHOOL BUS / TRANSIT, 1BAKGCBH8HF329	Houston	DE	6254

Covered Auto No.	LIABILITY				MEDICAL		UNINSURED/UNDERINSURED			
	Limit (in thousands)		Premium	Limit	Premium		Limit (in thousands)		Premium	
1	\$ 1,000	\$	1,173.00	NONE			300	\$	92.00	
2	\$ 1,000	\$	1,173.00	NONE			300	\$	92.00	

Covered Auto No.	PIP				PPI		COMPREHENSIVE			
	Limit		Premium	Deductible	Premium		Deductible		Premium	
1	SEE FORM(S)	\$	152.00	NONE			\$ 1,000	\$	24.00	
2	SEE FORM(S)	\$	152.00	NONE			\$ 1,000	\$	26.00	

Covered Auto No.	COLLISION				TOWING & LABOR		RENTAL		Total
	Deductible		Premium	Limit	Premium		\$/Days	Premium	
1	\$ 1,000	\$	129.00	NONE			NONE		\$ 1,570.00
2	\$ 1,000	\$	138.00	NONE			NONE		\$ 1,581.00

Milford School District

Tax Rate Proposal

July 11, 2022

School Tax Rate

- **Four separate components**
 - **Current Expense**
 - **Debt Service**
 - **Match Tax**
 - **Tuition Tax**

Current Expense

- **This tax rate provides revenue to cover operating costs, such as teaching materials, textbooks, technology, insurance, athletic and academic programs, and local salary expenditures, etc.**
- **No changes can occur to the approved rate unless passed through referendum**
- **Current funding structure requires districts to plan for and save to allow many years with no operational revenue increases**
- **State requires districts to keep a “reserve” to insure local obligations including payroll can be met in the event of a fiscal downturn**

Current Expense

- **Current Expense Referendum set rate on October 6, 2015**
 - **Rate will remain unchanged for Fiscal Year 2023**
 - **Rate for Fiscal Year 2023**
 - **Sussex: 3.2188**
 - **Kent: 1.1390**

Debt Service

- **This tax rate provides revenue to pay principal and interest payment associated with bonds sold for major capital improvements, such as new construction, additions and renovations**
- **Set by referendum vote for capital projects**
- **Rate fluctuates annually depending on bond payment schedule**

Debt Service

- **Sold first Bond for Milford Middle School Project**
- **Revenue needed for FY 2023 - \$1,086,000**
- **Rate**
 - **0.3852 Sussex County (Prior Year – 0.4580)**
 - **0.1363 Kent County (Prior Year – 0.1621)**

Match Tax

- **Set by the local board of education and does not require referendum approval**
- **Milford is currently only assessing the Minor Capital Improvement match tax in order to receive the state funding for building and grounds repairs and maintenance**
 - **Other Match Taxes Allowable:**
 - **Extra Time**
 - **Technology**
 - **Reading Specialists**
 - **Math Specialists**
 - **Reading Interventionist**
 - **State Opportunity Grant**

Match Tax

- **Match Tax for Minor Capital Improvements FY2023**
 - **Rate**
 - **0.0984 Sussex County (Prior Year – 0.1001)**
 - **0.0348 Kent County (Prior Year – 0.0354)**

Tuition Tax

- **This tax rate provides revenue to pay the tuition costs of Milford School District students with special needs who require specialized services within the district or who must attend special schools within and outside of the State of Delaware**
- **Continue to implement strategies to stabilize Tuition Tax expenses**
- **Have expanded in-district program offerings**
- **Maintain contingency to offset sharp increases in any one fiscal year**
- **Rate**
 - **0.9933 Sussex County (Prior Year – 1.0259)**
 - **0.3514 Kent County (Prior Year – 0.3630)**

Capitation Tax

- **Has not been assessed by Milford School District since 2005**
- **Provides a tax for every resident of the district over the age of 18**
- **Must go to referendum vote to re-implement**
- **Levied on property owners**

State Budget

- **Fiscal Year 2022 operating budget proposal does not restore loss of State funds from Fiscal Year 2018**
 - **FY 23 Projected Total Loss of State Funds \$762,523.68** **(share changes each year)*
 - **Budget reduction plan will be submitted to the state to offset state loss of funds**

Final Fiscal Year 2023 Tax Rate Proposal

Sussex County

CATEGORY	FY 2022	FY 2023	CHANGE	
CURRENT EXPENSE	\$ 3.2188	\$ 3.2188	\$ -	0.0%
TUITION	\$ 1.0259	\$ 0.9933	\$ (0.0326)	-3.3%
DEBT SERVICE	\$ 0.4580	\$ 0.3852	\$ (0.0728)	-18.9%
MATCH TAX - MCI	\$ 0.1001	\$ 0.0984	\$ (0.0017)	-1.7%
MATCH TAX - EXTRA-TIME			\$ -	
MATCH TAX - TECHNOLOGY			\$ -	
MATCH TAX - READING SPECIALISTS			\$ -	
MATCH TAX - MATH SPECIALISTS			\$ -	
TOTAL TAX RATE	\$ 4.8028	\$ 4.6957	\$ (0.1071)	-2.0%

Kent County

CATEGORY	FY 2022	FY 2023	CHANGE	
CURRENT EXPENSE	\$ 1.1390	\$ 1.1390	\$ -	0.0%
TUITION	\$ 0.3630	\$ 0.3514	\$ (0.0116)	-3.2%
DEBT SERVICE	\$ 0.1621	\$ 0.1363	\$ (0.0258)	-15.9%
MATCH TAX - MCI	\$ 0.0354	\$ 0.0348	\$ (0.0006)	-1.7%
MATCH TAX - EXTRA-TIME			\$ -	
MATCH TAX - TECHNOLOGY			\$ -	
MATCH TAX - READING SPECIALISTS			\$ -	
MATCH TAX - MATH SPECIALISTS			\$ -	
TOTAL TAX RATE	\$ 1.6995	\$ 1.6615	\$ (0.0380)	-2.0%

Questions

MILFORD SCHOOL DISTRICT FIELD TRIP APPROVAL FORM

(Out-of-State to be submitted to the principal by April 10th for School Board approval for the following school year)

Morris ☐ Banneker ☐ Central Academy ☐ High School ☒ Mispillion ☐ Ross ☐
In-State ☐ Out-of-State ☐ Overnight ☐

DATE(S) OF TRIP: 7/25/22 - 7/29/22 # of School Days missed: 0		TRIP DESTINATION: Atlantic City, NJ	TEACHER(S): Lamarr Shorts
NUMBER OF STUDENTS: 12		CONTENT AREAS: Sports	GRADE(S): 9-12
1. Instructional Unit Title: Basketball Team Bonding Tournament 2. Dates of Instructional Unit: From: To: 3. Will technology be used in preparation for this trip? (Check One) Internet Virtual Tour Research Video Software Other (specify) 4. Relationship of trip to instructional objective(s) (purpose of the trip): Basketball Team Bonding and Collegiate Exposure Event		Field Trip Cost Transportation: District Vans Meals: Included Other expenses (explain): Tournament + Lodging \$2000 pp Funding Used: Donations + Team Account Individual student expense: N/A \$3,000 Total Cost	
Closest Medical Facility (with address & phone #):		Atlanticare Regional Medical Center 1925 Pacific Ave. Atlantic City NJ 08401 609-345-4000	
Nurse Initials: JS			
APPROVAL SEQUENCE (indicated by the proper signatures below). Field trips not approved at one level will not advance to the next level (no appeals).			
Comments:			
PRINCIPAL'S SIGNATURE: [Signature]		DIRECTOR'S SIGNATURE: [Signature] SUPT'S SIGNATURE: [Signature]	
For all Out-of-State or overnight field trips, when a group of students advances in a sequential activity such as a contest, a final cost summary and detailed itinerary must be submitted 30 days prior to the trip.			
12/19/16			

(Out-of-State to be submitted to the principal by April 10th for School Board approval for the following school year)

DATE(S) OF TRIP: 08/01/22-08/03/22 # of School Days missed: 0		TRIP DESTINATION: Odessa High School Cheerleading Camp	TEACHER(S): Taylor Ohrwashel
NUMBER OF STUDENTS: 12		CONTENT AREAS: Fall Sports - Cheerleading	GRADE(S): 9-12
1. Instructional Unit Title: 2. Dates of Instructional Unit: From: _____ To: _____ 3. Will technology be used in preparation for this trip? (Check One) Internet Virtual Tour Research Video Software Other (specify) _____ 4. Relationship of trip to instructional objective(s) (purpose of the trip): _____			<u>Field Trip Cost</u> Transportation: Parents/athletes Meals: Athlete packed lunch Other expenses (explain): Coaches fees - \$60 per coach Funding Used: MHS Fall Cheer and athlete payments Individual student expense: \$160 per athlete <div style="text-align: right;">\$2,040.00 Total Cost</div>
Closest Medical Facility (with address & phone #): ChristianaCare Middletown Emergency Department 621 Middletown Odessa Road Middletown, DE 19709 302-203-1300			
Nurse Initials: <u>JS</u>			
APPROVAL SEQUENCE (indicated by the proper signatures below). Field trips not approved at one level will not advance to the next level (no appeals). Comments: The MHS Fall Cheerleaders would like to attend a commuter cheerleading camp at Odessa High School. This camp will prepare the squad for the upcoming season with new cheers, stunting instruction, team bonding, and game day practices.			
PRINCIPAL'S SIGNATURE: _____		DIRECTOR'S SIGNATURE: _____	SUPT'S SIGNATURE: _____
For all Out-of-State or overnight field trips, except when a group of students advances in a sequential activity such as a contest, a final cost summary and detailed itinerary must be submitted 30 days prior to the trip.			
12/19/16			

MILFORD SCHOOL DISTRICT

FIELD TRIP APPROVAL FORM

(Out-of-State to be submitted to the principal by April 10th for School Board approval for the following school year)

☐ Morris ☐ Banneker ☐ Central Academy ☐ High School ☒ Missillion ☐ Ross
☐ In-State ☐ Out-of-State ☒ Overnight ☐

DATE(S) OF TRIP: September 24, 2022 # of School Days missed:		TRIP DESTINATION: Six Flags Great Adventure Jackson, NJ	TEACHER(S): Coach Lance Skinner and Coach Steve Venett
NUMBER OF STUDENTS: 30		CONTENT AREAS: Six Flags Wild Safari Cross Country Invitational	GRADE(S): 8-12
1. Instructional Unit Title: Six Flags Wild Safari Cross Country Invitational 2. Dates of Instructional Unit: From: 09/24/22 To: 09/24/22 3. Will technology be used in preparation for this trip? (Check One) Internet <input type="checkbox"/> Virtual Tour <input type="checkbox"/> Research <input type="checkbox"/> Video <input type="checkbox"/> Software <input type="checkbox"/> Other (specify) _____ 4. Relationship of trip to instructional objective(s) (purpose of the trip): The Milford Cross Country Team respectfully request approval to attend an out of state Cross Country Invitation held at Six Flags Great Adventure on September 24, 2022 in Jackson, NJ. This event will give the team a unique experience to be rewarded for their fundraising efforts over the past couple years by allowing them to race and then enjoy a day at the park. The Milford Cross Country Boosters will fund all expenses including a Coach bus for transportation and admission into the Park. This will be a one-day trip.		Field Trip Cost Transportation: 0 Meals: 0 Other expenses (explain): 0 Funding Used: 0 Individual student expense: 0 Total Cost: 0	
Closest Medical Facility (with address & phone #): Hackensack Meridian Health Village 27 S. Cooks Bridge Rd. Jackson, NJ 732-897-3900			
Nurse Initials: <u>BS</u>			
APPROVAL SEQUENCE (indicated by the proper signatures below). Field trips not approved at one level will not advance to the next level (no appeals).			
Comments:		SUPR'S SIGNATURE: <u>[Signature]</u>	
PRINCIPAL'S SIGNATURE: <u>[Signature]</u> For all Out-of-State or overnight field trips, a group of students advances in a sequential activity such as a contest, a final cost summary and detailed itinerary must be submitted 30 days prior to the trip.		DIRECTOR'S SIGNATURE: <u>[Signature]</u>	
12/19/16			

MILFORD SCHOOL DISTRICT FIELD TRIP APPROVAL FORM

(Out-of-State to be submitted to the principal by April 10th for School Board approval for the following school year)

Morris ☐ Banneker ☐ Central Academy ☐ High School ☒ Mispillion ☐ Ross ☐
In-State ☒ Out-of-State ☐ Overnight ☒

DATE(S) OF TRIP: 12/16/2022-12/18/2022 # of School Days missed: 1		TRIP DESTINATION: William Penn High School/University of Delaware		TEACHER(S): Don Parsley & Keegan Worley	
NUMBER OF STUDENTS: 30		CONTENT AREAS: Athletics		GRADE(S): 9-12	
1 Instructional Unit Title: Wrestling 2 Dates of Instructional Unit: From: October To: March 3 Will technology be used in preparation for this trip? (Check One) Internet Virtual Tour Research Video Software Other (specify) 4 Relationship of trip to instructional objective(s) (purpose of the trip): We will be taking the varsity wrestling team to two tournaments overnight. The Howdy Duncan Invitational Tournament is at William Penn High School from 12/16-12/17 and the Beast of the East Tournament is from 12/17-12/18.				<u>Field Trip Cost</u> Transportation: Meals: Other expenses (explain): Funding Used: Individual student expense: Total Cost	
Closest Medical Facility (with address & phone #): ChristianCare Christiana Hospital 4755 Ogletown Station Rd, Newark DE 19718 (302) 733-1000 Nurse Initials: <u>JB</u>					
APPROVAL SEQUENCE (indicated by the proper signatures below). Field trips not approved at one level will not advance to the next level (no appeals). Comments:					
PRINCIPAL'S SIGNATURE: <u>[Signature]</u>		DIRECTOR'S SIGNATURE: <u>[Signature]</u>		SPT'S SIGNATURE: <u>[Signature]</u>	
For all Out-of-State or overnight field trips, except where a group of students advances in a sequential activity such as a concert, a final cost summary and detailed itinerary must be submitted 30 days prior to the trip. 12/19/16					

MILFORD SCHOOL DISTRICT

FIELD TRIP APPROVAL FORM

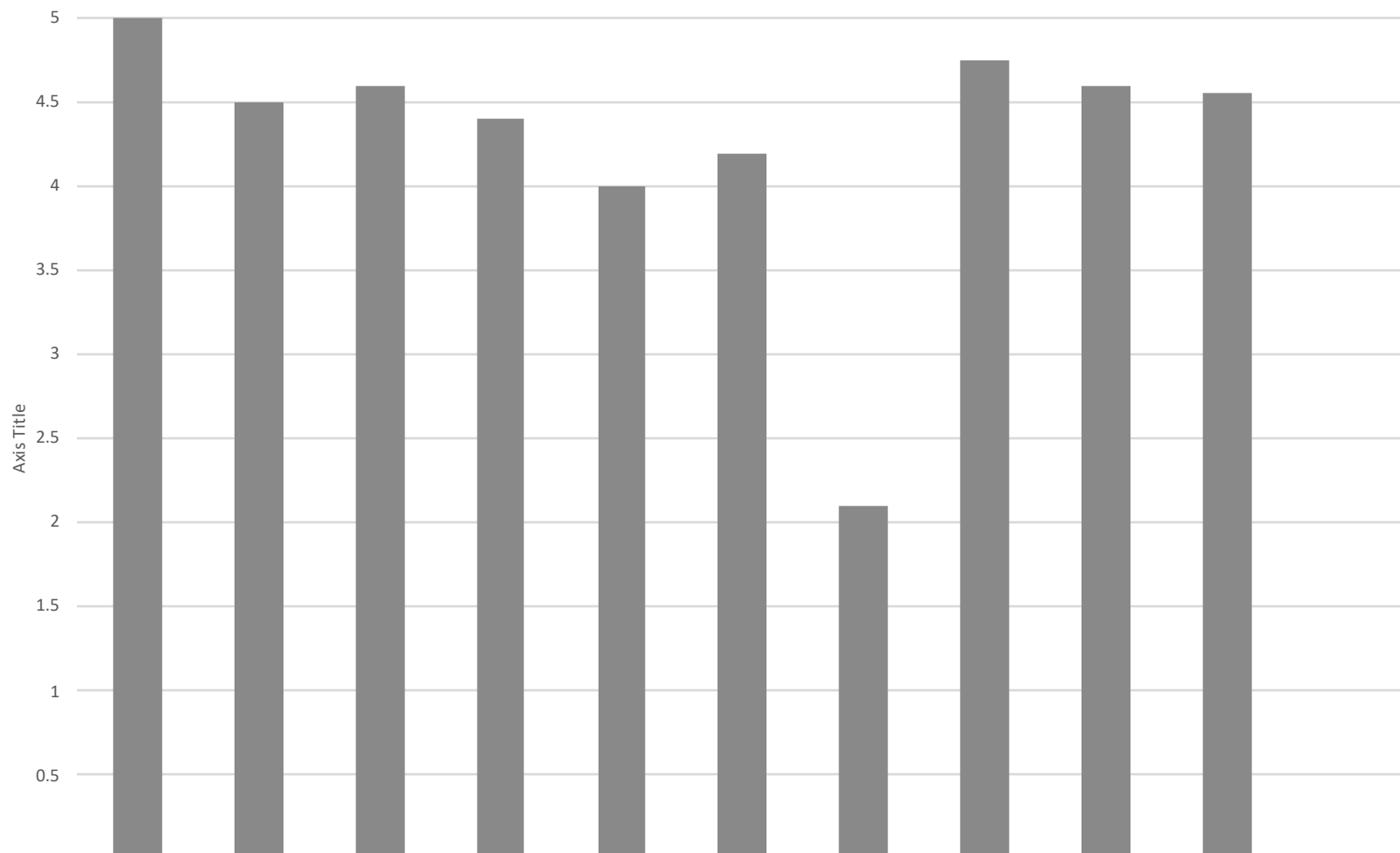
(Out-of-State to be submitted to the principal by April 10th for School Board approval for the following school year)

Morris ☐ Banneker ☐ Central Academy ☐ High School ☒ Mispillion ☐ Ross ☐
In-State ☐ Out-of-State ☒ Overnight ☒

DATE(S) OF TRIP: 01/13/2023-01/14/2023 # of School Days missed: 1		TRIP DESTINATION: Stephen Decatur High School	TEACHER(S): Don Parsley & Kegan Worley
NUMBER OF STUDENTS: 30		CONTENT AREAS: Athletics	GRADE(S): 9-12
1. Instructional Unit Title: Wrestling 2. Dates of Instructional Unit: From: October To: March 3. Will technology be used in preparation for this trip? (Check One) Internet <input type="checkbox"/> Virtual Tour <input type="checkbox"/> Research <input type="checkbox"/> Video <input type="checkbox"/> Software <input type="checkbox"/> Other (specify) _____ 4. Relationship of trip to instructional objective(s) (purpose of the trip): We will be taking students to the War at the Shore Tournament. We stay in Ocean City on Friday night and compete Friday/Saturday.			<u>Field Trip Cost</u> Transportation: Meals: Other expenses (explain): Funding Used: Individual student expense: Total Cost
Closest Medical Facility (with address & phone #): Atlantic General Hospital 9733 Healthway Dr, Berlin MD 21811 Nurse Initials: <u>CB</u> (410) 641-1100			
APPROVAL SEQUENCE (indicated by the proper signatures below). Field trips not approved at one level will not advance to the next level (no appeals). Comments:			
PRINCIPAL'S SIGNATURE: <u>[Signature]</u>		DIRECTOR'S SIGNATURE: <u>[Signature]</u>	
Supt's SIGNATURE: <u>[Signature]</u> For all Out-of-State or overnight field trips, except where a group of students advances in a sequential activity such as a contest, a final cost summary and detailed itinerary must be submitted 30 days prior to the trip.			
12/19/16			

Autism Program Environment Rating Preschool/Elementary

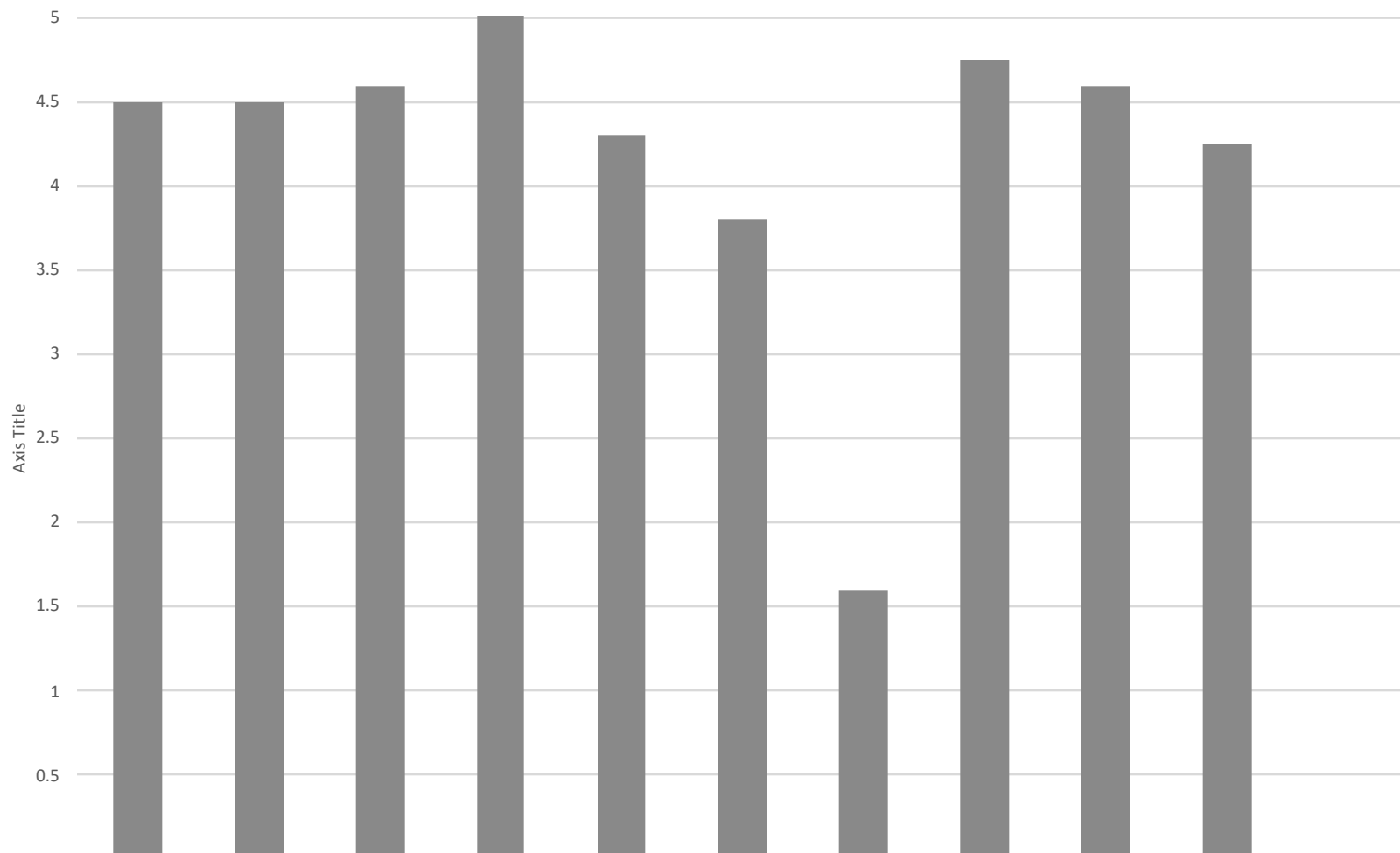
Morris Classroom 1 - 4.3/5.0 (86%)



■ Score	5	4.5	4.6	4.4	4	4.2	2.1	4.75	4.6	4.55	
---------	---	-----	-----	-----	---	-----	-----	------	-----	------	--

Autism Program Environment Rating Preschool/Elementary

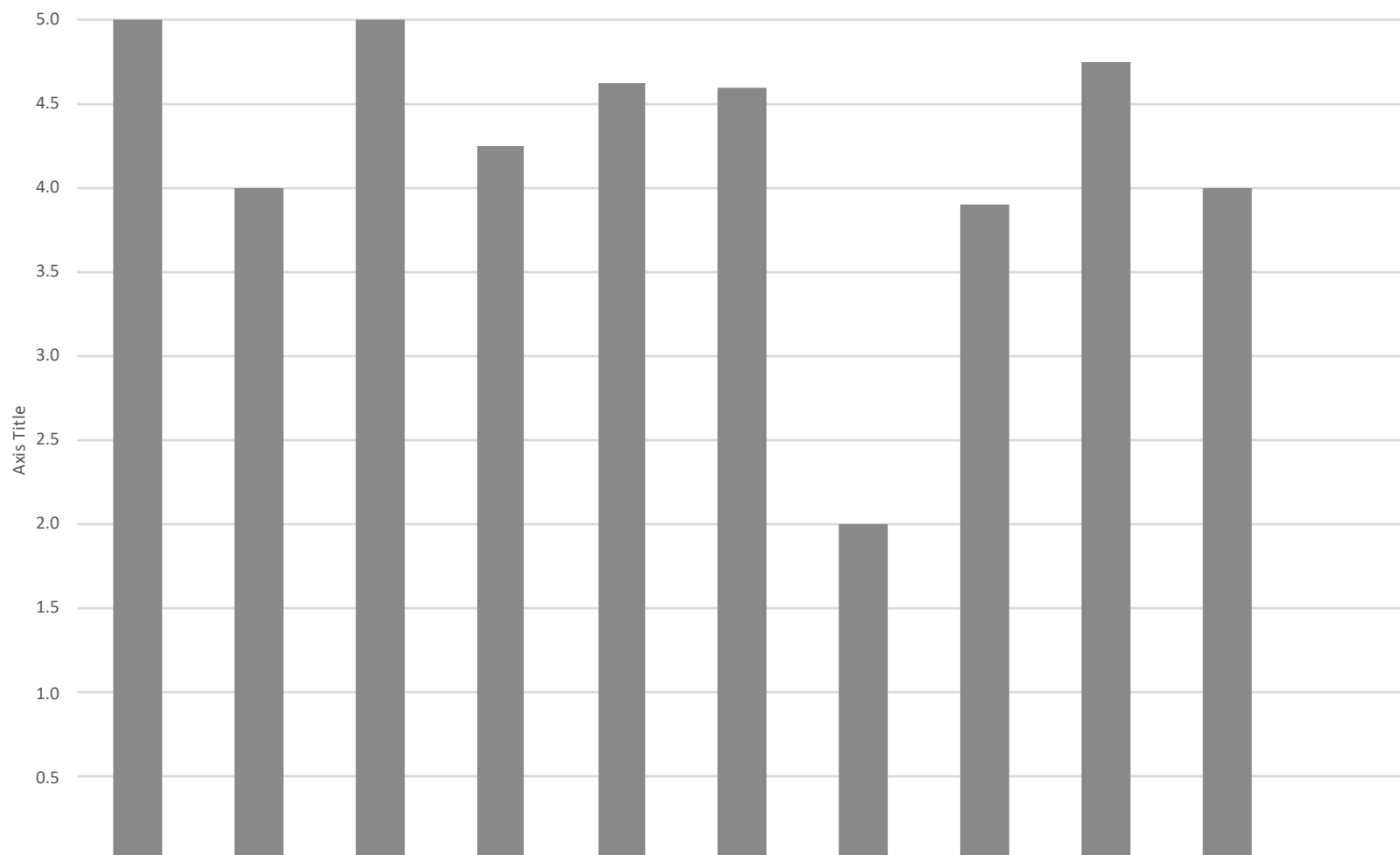
Morris Classroom 2 - 4.2/5.0 (84%)



■ Score	4.5	4.5	4.6	5.5	4.3	3.8	1.6	4.75	4.6	4.25	
---------	-----	-----	-----	-----	-----	-----	-----	------	-----	------	--

Autism Program Environment Rating Preschool/Elementary

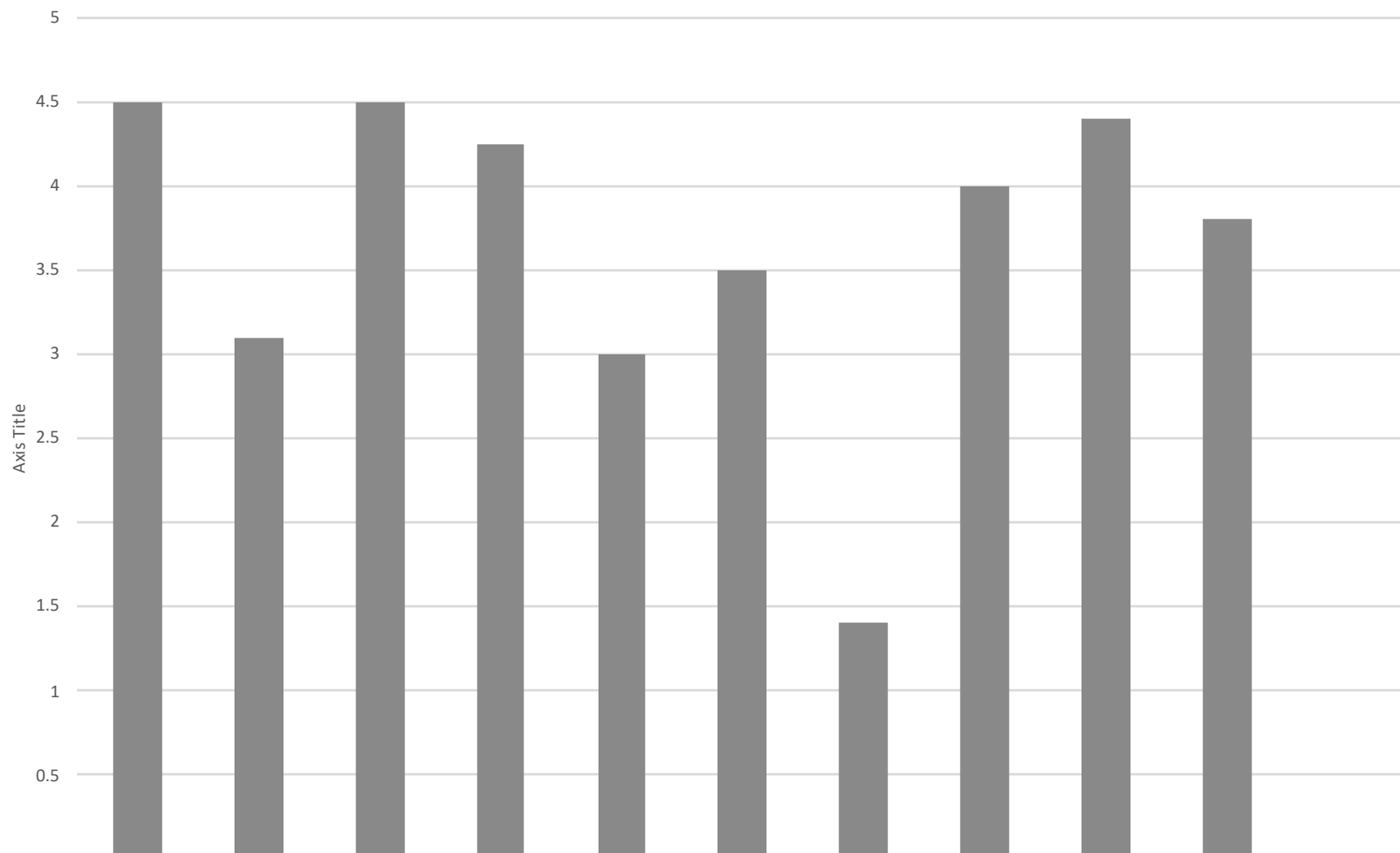
Morris Classroom 3 - 4.2/5.0 (84%)



■ Score	5.0	4.0	5.0	4.3	4.6	4.6	2.0	3.9	4.8	4.0	
---------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	--

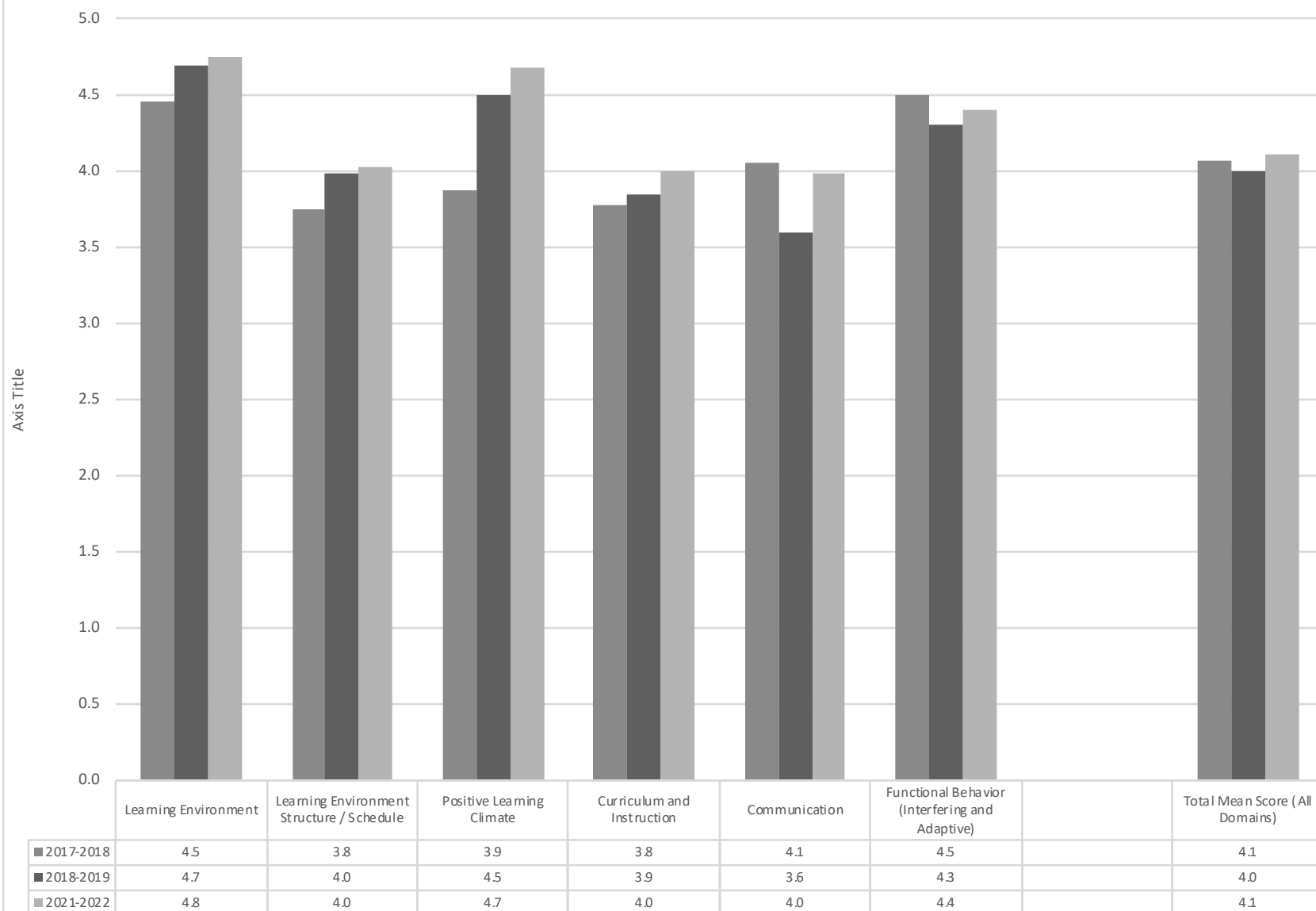
Autism Program Environment Rating Preschool/Elementary

Morris Classroom 4 - 3.6/5.0 (72%)



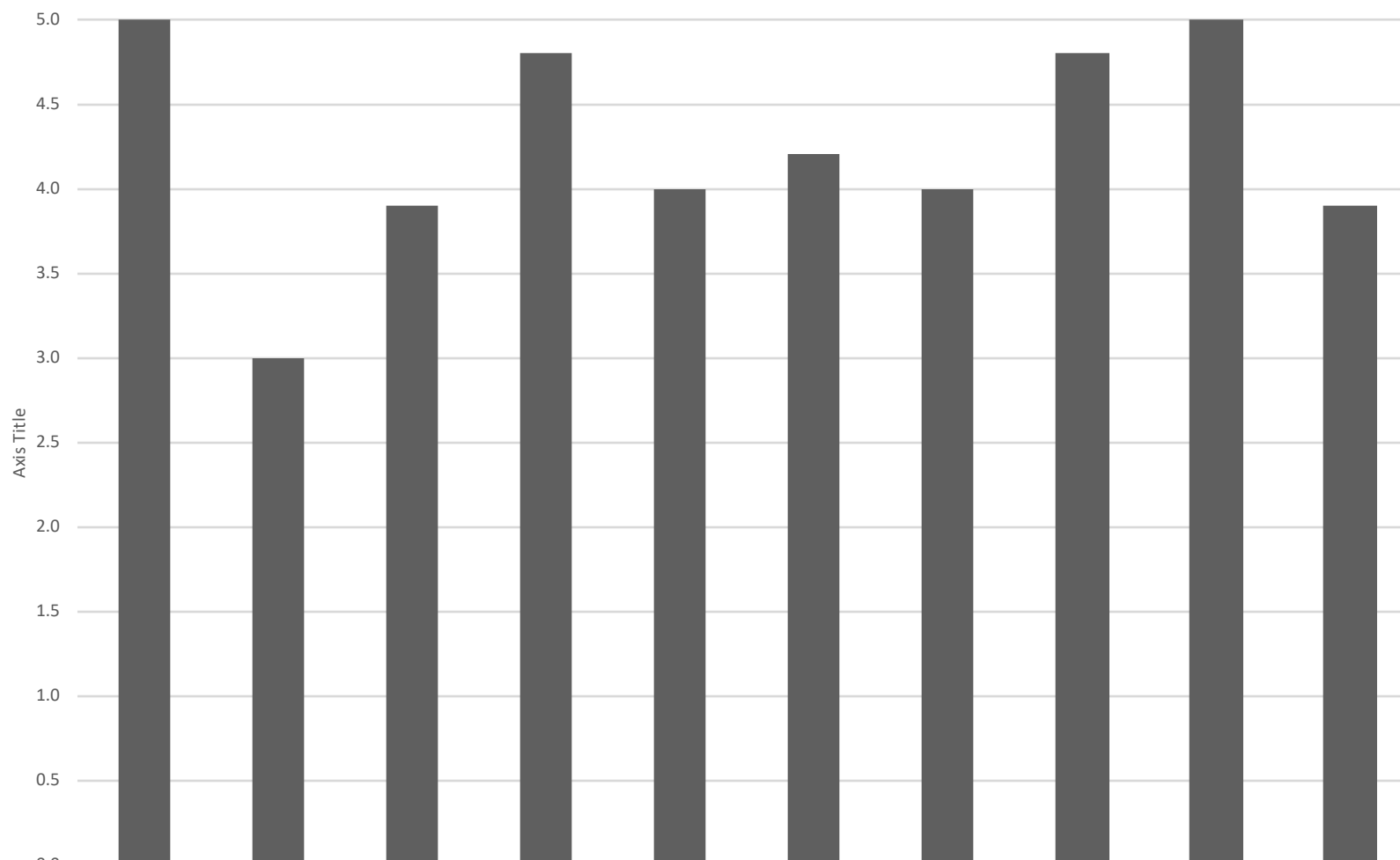
■ Score	Learning Environment	Learning Environment Structure / Schedule	Positive Learning Climate	Assessment and Learning Environment	Curriculum and Instruction	Communication	Social Competence	Functional Behavior (Interfering and Adaptive)	Family Involvement	Teaming	
	4.5	3.1	4.5	4.25	3	3.5	1.4	4	4.4	3.8	

Autism Program Environment Rating Preschool/Elementary Morris Aggregated Mean Scores - Annual



Autism Program Environment Rating Preschool/Elementary

Ross Classroom 1 - 4.3/5.0 (86%)



■ Score

Learning
Environment

5.0

Learning
Environment
Structure /
Schedule

3.0

Positive Learning
Climate

3.9

Assessment and
IEP Development

4.8

Curriculum and
Instruction

4.0

Communication

4.2

Social
Competence

4.0

Functional
Behavior
(Interfering and
Adaptive)

4.8

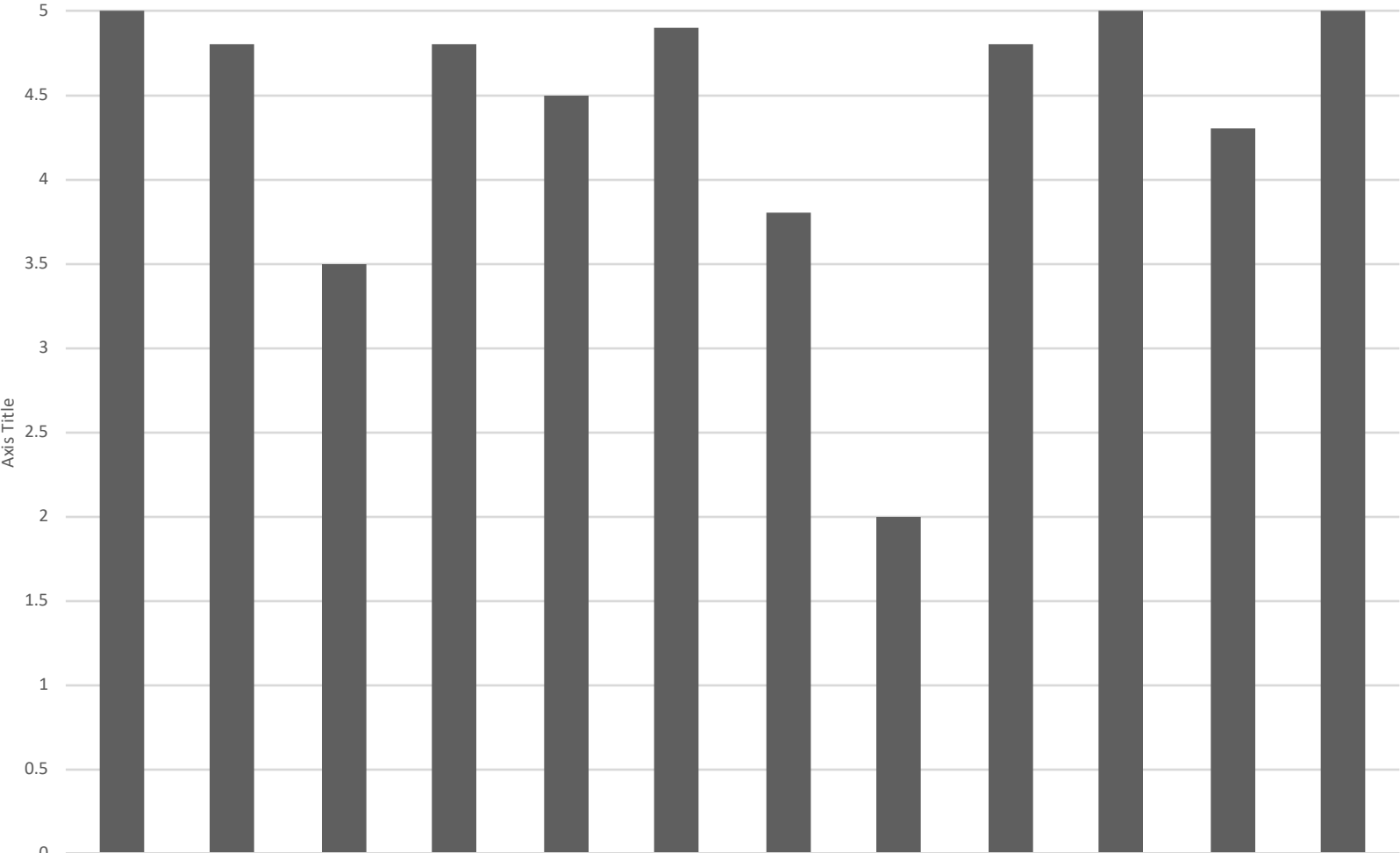
Family
Involvement

5.0

Teaming

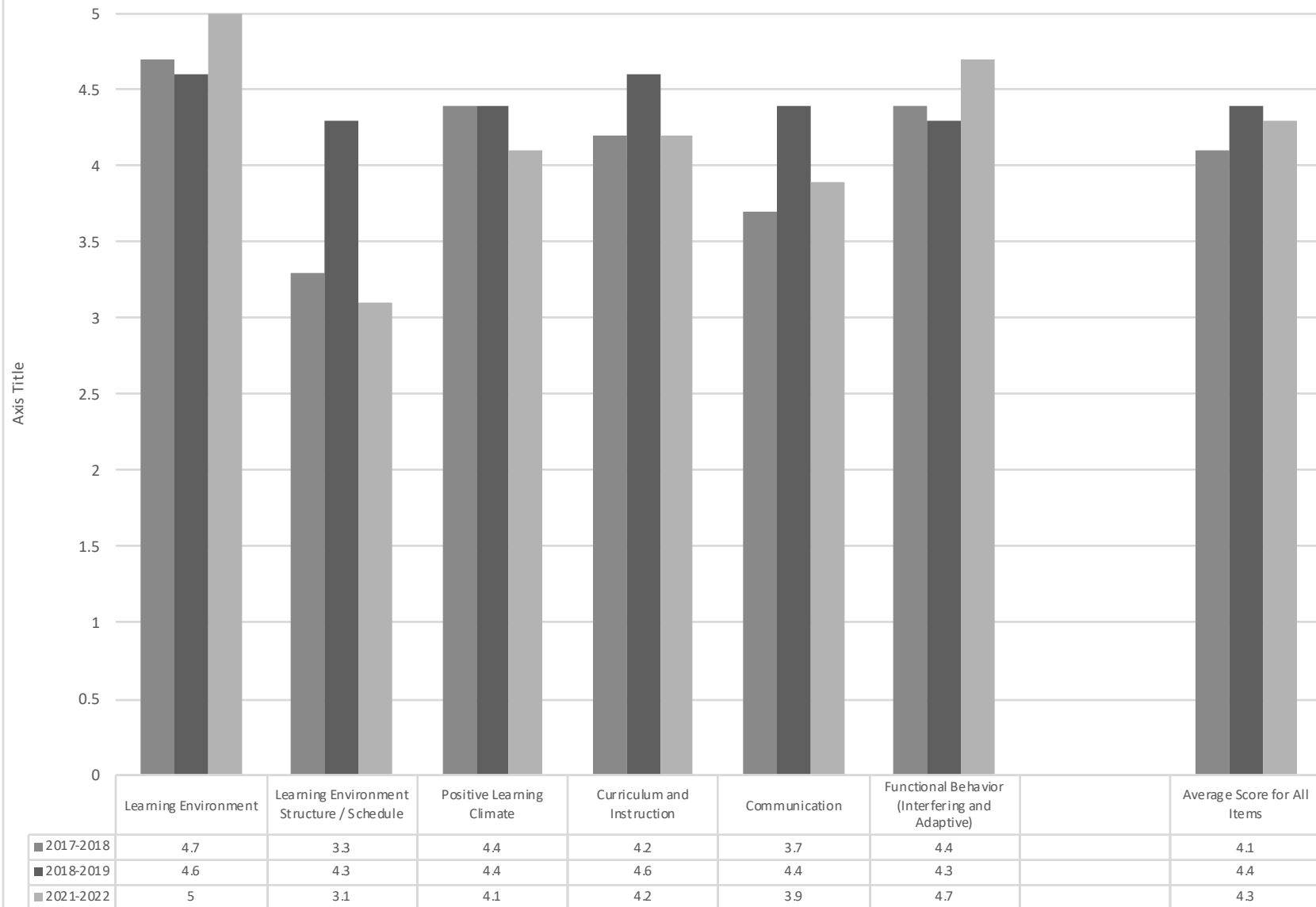
3.9

Autism Program Environment Rating Scale-Preschool/Elementary **Ross Classroom 2 - 4.2/5.0 (84%)**



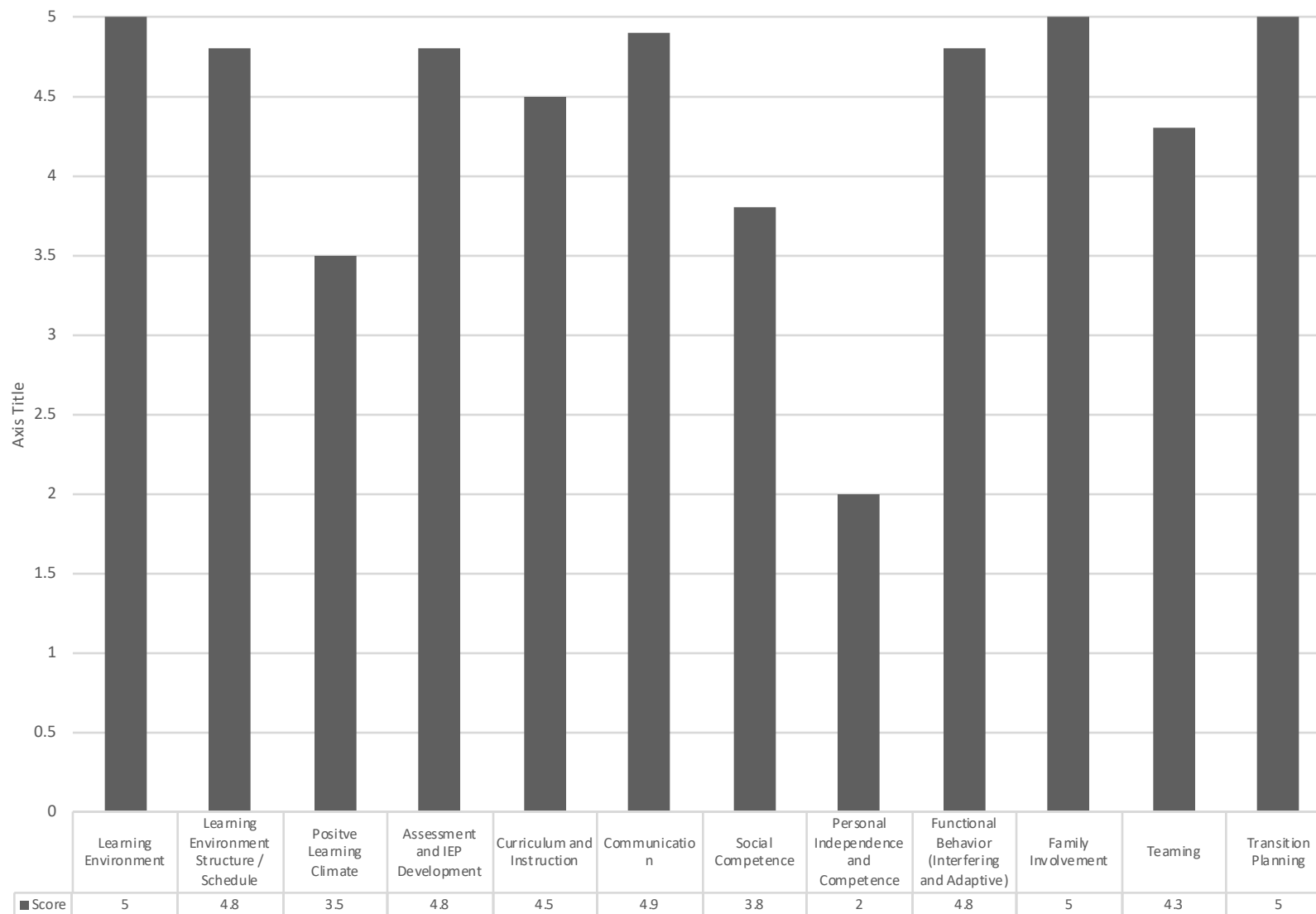
■ Score	5	4.8	3.5	4.8	4.5	4.9	3.8	2	4.8	5	4.3	5
---------	---	-----	-----	-----	-----	-----	-----	---	-----	---	-----	---

Autism Program Environment Rating Preschool/Elementary Ross Aggregated Mean Scores - Annual



Autism Program Environment Rating Scale-Middle/High School

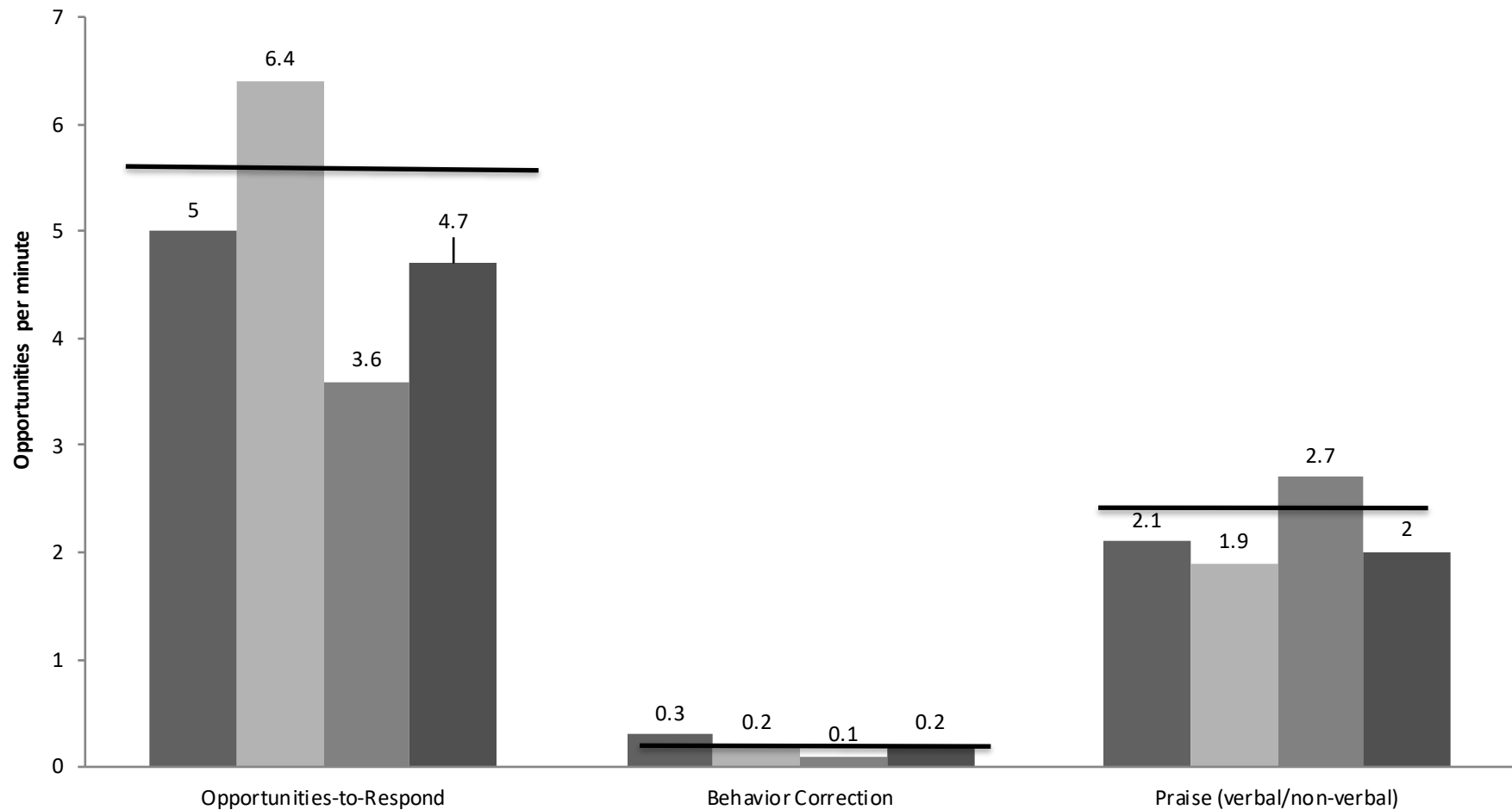
MCA 4.3/5.0 (86%)



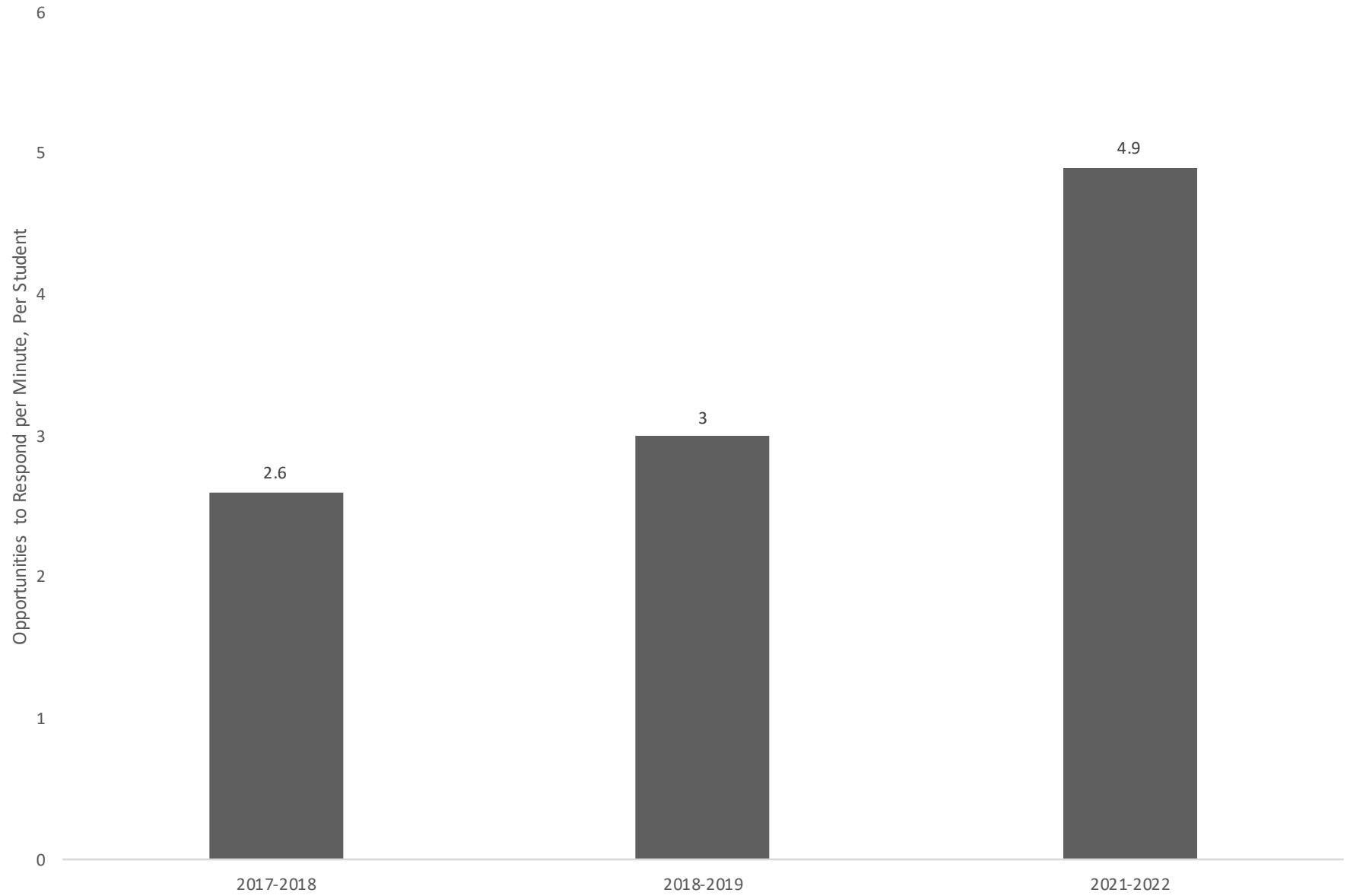
**Morris Classroom Ecology
2021-2022**

10:1 Mean Praise-to-Correction

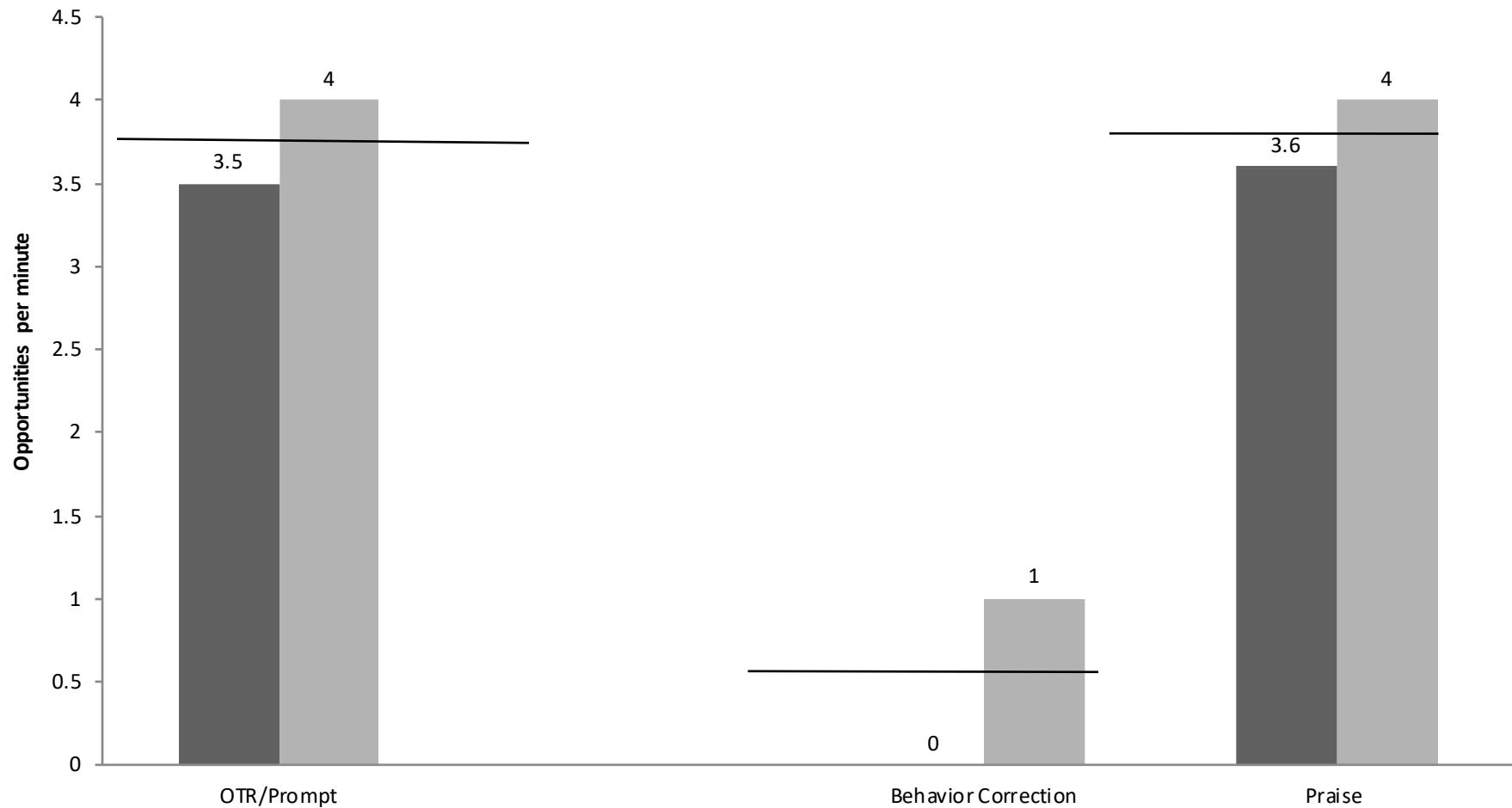
4.9 Mean OTR per minute, per student



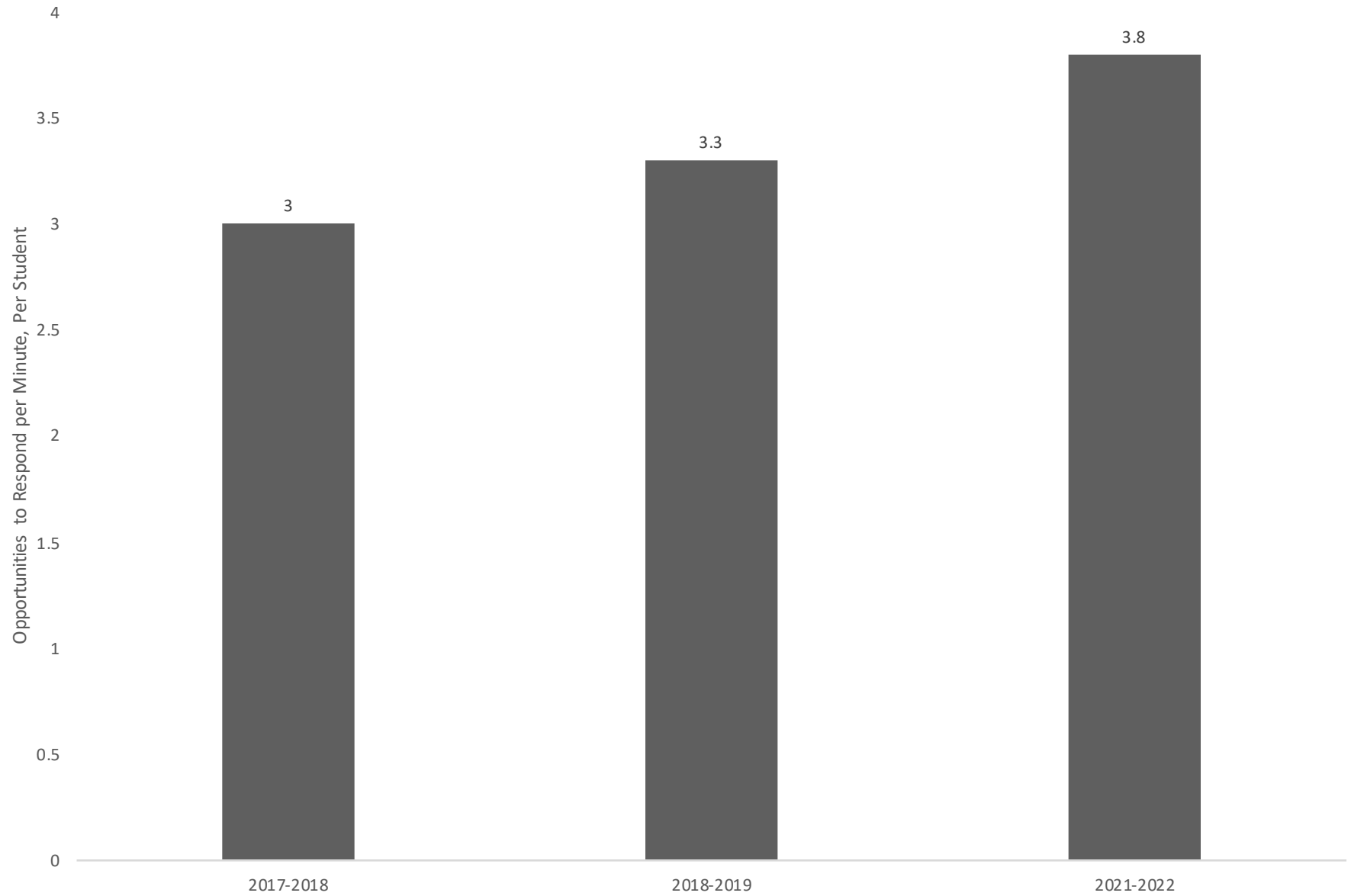
Morris Instructional Quality
Aggregated Mean Opportunities-to-Respond



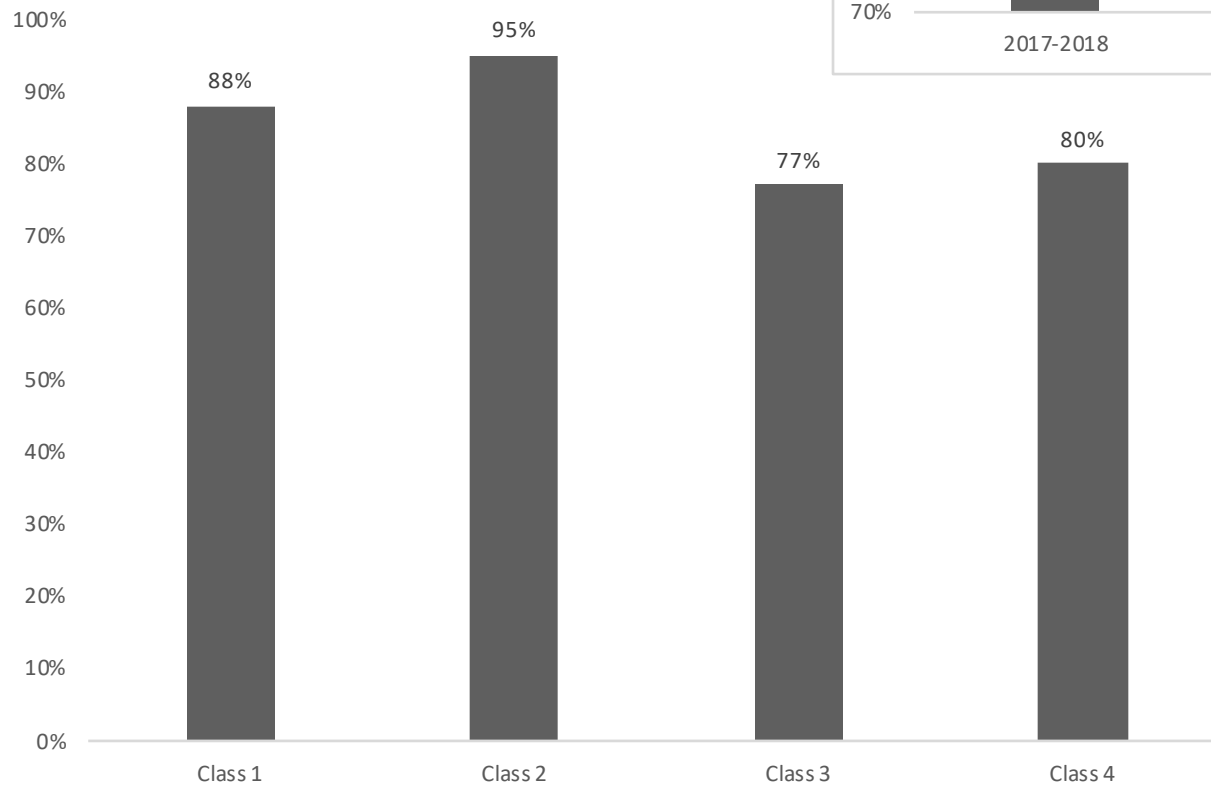
**Ross Classroom Ecology
2021-2022
24:1 Mean Praise-to-Correction
3.8 Mean OTR per minute, per student**



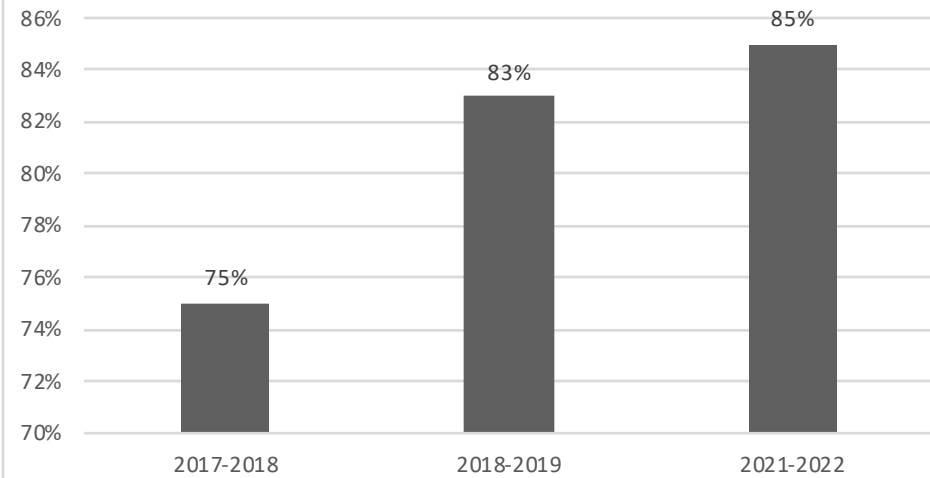
Ross Instructional Quality
Aggregated Mean Opportunities-to-Respond



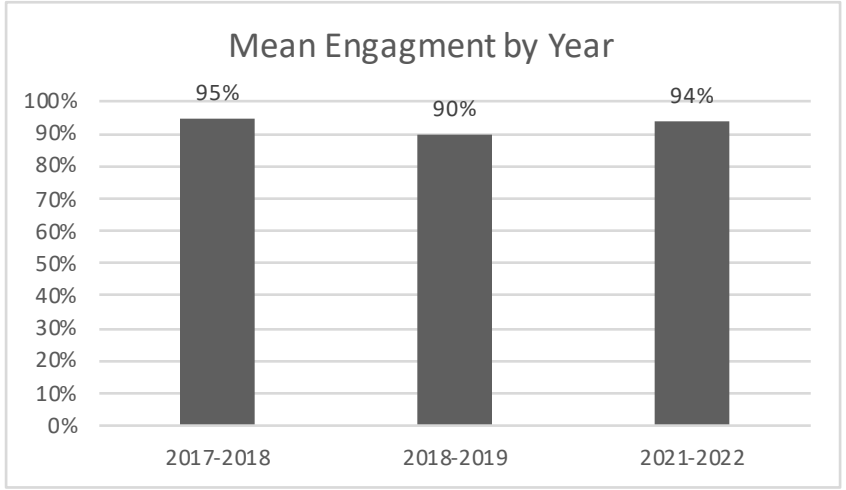
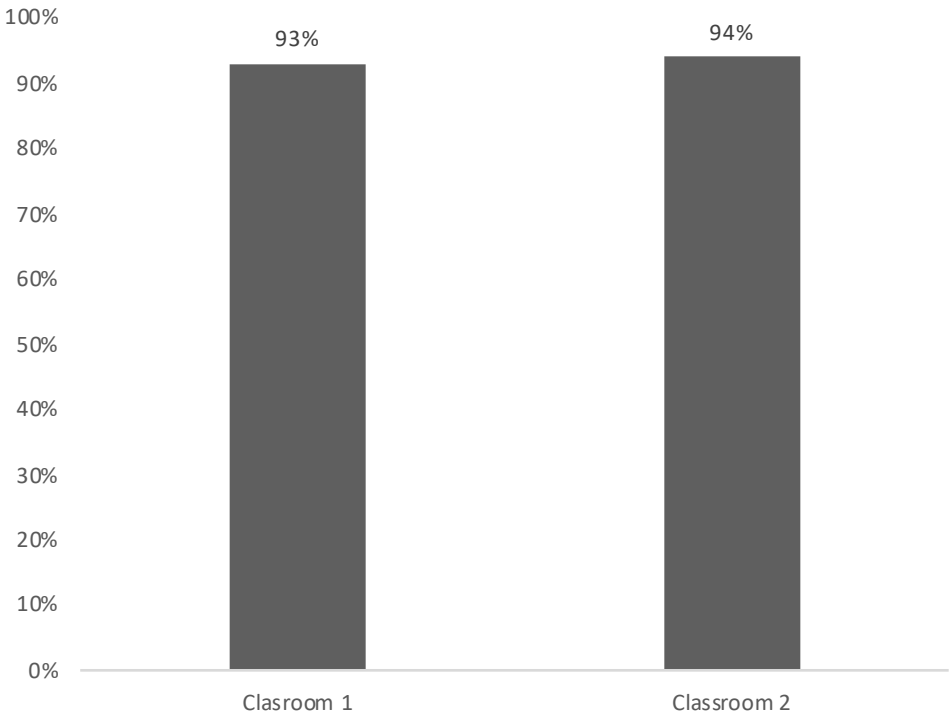
Morris Mean Student Engagement BOSS Observations



Mean Engagement by Year



Ross Mean Student Engagement BOSS Observations



MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

4103

ADA EQUAL ACCOMMODATIONS

To ensure equal employment opportunities to qualified individuals with a disability, Milford School District will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the district would result or the accommodation would create a direct threat to the employee or others.

Employees (or applicants) who may require a reasonable accommodation so that they may perform essential job functions must contact the Human Resources Department, and not their supervisor.

ADOPTED: 8/1/22

**MILFORD SCHOOL DISTRICT
POLICY 5414**

**STUDENT CODE OF CONDUCT
ELEMENTARY SCHOOLS GRADE K THROUGH 5**

**CHAPTER I
INTRODUCTION AND STUDENT EXPECTATIONS**

INTRODUCTION

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.

CODE OF CONDUCT REVIEW

The Student Code of Conduct Central Academy and High School 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:

1. Administrative, staff, student, and parent suggestions;
2. Legal interpretation; and
3. Annual Review

CODE OF CONDUCT DISSEMINATION

On an annual basis:

1. A copy of the student code of conduct shall be posted on the school website and a copy given to each student.
2. Students receive training in the discipline system at the beginning of each school year and as changes occur.
3. Administration and staff receive annual training based upon current district policies and procedures as well as changes in Regulation.

CODE OF CONDUCT AUTHORITY

The Student Code of Conduct may be enforced:

1. On school property prior to, during and following regular school hours including but not limited to when school is in session or when school activities are in operation.
2. On all school campuses and property of the Milford School District.
3. When students are at a bus stop.
4. At all school sponsored events and other activities where school administrators and personnel have jurisdiction over students (I.e: fieldtrips, sporting events, etc...)
5. When a student's out-of-school conduct, **activity, or behavior** indicates that the student presents a threat to the health, safety, or welfare of other students and staff. **This conduct may be physical in nature or electronically which have an impact on the safe and effective operation of our schools.**
6. Students who attempt to register in the Milford School District with outstanding disciplinary actions **discipline issues from Milford School District or their previous school district** are subject to the consequences outlined in this document. **This includes but is not limited to suspension, expulsion, and placement at an alternative school.**

RESTORATIVE PRACTICES

Restorative Practices are deliberate and intentional tools and strategies that facilitate the building of healthy relationships. When individuals live in healthy relationships with others, there is abundant personal growth, capacity for character building, and high level achievement. We believe it is important for all students and staff to build positive relationships with one another, as this produces the best academic, social, and emotional outcomes.

When a harm occurs in the community, healing is a process essential to restoring healthy relationships with the understanding that harm-doers should be held accountable for and take an active role in repairing harm. Conflict is resolved through honest dialogue and collaborative problem-solving, while addressing the root cause and the needs of those impacted.

Following a harm, staff shall work with the student and others involved to determine how to repair the harm caused and provide restitution whenever possible. To the extent possible, consequences will be given that match the function of the infraction. For example, if an infraction involved destruction of school property, a consequence including a measure to restore the damage shall be considered for inclusion. Similarly, if an infraction involved a harm to a social relationship, a consequence including a measure to restore the relationship, a loss of a social privilege, and/or another activity that strengthens a pro social skill may be considered.

STUDENT EXPECTATIONS

Students are expected to:

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

CHAPTER II STUDENT RIGHTS AND RESPONSIBILITIES

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School officials have a right under the law to search students or their property whenever there is reasonable suspicion that the students have something that violates school rules or endangers the health, safety, or welfare of others. Students may be searched to maintain the ongoing educational process, to maintain order, and/or to protect people and property. Searches may include the student and his/her locker, desk, automobile, MSD owned computing resources including all data stored on the MSD network, personal belongings, book bags, purses, or any bags or containers used to carry personal property.

RIGHTS AND RESPONSIBILITIES OF POSSESSIONS

Students have the right: To privacy in their personal possessions unless the principal/designee/staff member 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 device, cell phone, weapon, stolen property, unsafe item, 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 and other electronic devices 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. The District is not responsible for a cell phone or electronic device which may be lost or stolen.

Lockers: The District presumes a student possesses, and is responsible for, all items found in the student's locker. Students should regularly check the contents of lockers. If students fail to lock lockers, or provide others access to personal lockers, students remain responsible for items found in personal lockers. Student lockers are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others.

Bookbag/Purse: The District presumes a student possesses, and is therefore responsible for, all items found in the student's bookbag, purse, or similar bag or container used to carry books or personal property (referred to as "bookbag"). Students should regularly check the contents of their bookbags. If a student fails to secure his/her bookbag, or provide others access to his/her bookbag, the student remains responsible for items found in his/her bookbag.

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. Families may petition to the school principal to set up a payment plan or other compensation plan.

Students who have a debt with the school may be barred from attending school activities including fieldtrips. In addition, the school shall file a claim in Justice of the Peace for restitution of all debts over \$25.

SKATEBOARDS/ROLLERBLADES/WHEELED SHOES

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

ELECTRONIC DEVICES AND CELL PHONES

Milford School District discourages students from bringing cell phones and other communication devices to school. Such devices include but are not limited to: cell phones, tablets, ~~computers, giga-pets~~, beepers, lasers, radios, cameras, CD players, MP3 players, electronic games, etc. Students are prohibited from using cell phones and other electronic communication devices during the school day without permission from a school official. 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. Students who do not turn in an electronic device when requested may be considered in defiance of school authority.

OMBUDSPERSON

An ombudsman is made available by the state of Delaware to act as a facilitator in resolving grievances and disputes. The Delaware Department of Justice Bully Prevention and School Crime Contact (Ombudsperson) Anonymous Tip Line is: 1-800-220-5414

CHAPTER III

DISCIPLINARY PROCEDURES FOR VIOLATIONS OF STUDENT CODE OF CONDUCT

DUE PROCESS PROCEDURES & APPEAL PROCESS

- A. All students must be informed of the violation(s) and the range of disciplinary actions. These items should be:
 - a. included in the Student Code of Conduct.
 - b. explained to students in person on a yearly basis.
 - c. disseminated in print and electronic copy.
- B. Each student involved in a situation which may result in a disciplinary action must be given the

following due process by the administrator or designee:

- a. informed of the allegations against him/her, the conduct which forms the basis of the allegation (s), and explained the policy, rule, or regulation violated
 - b. given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence, witnesses, or questions
- C. A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.
- D. Parent Notification
- a. Parents are to be informed of incidents as soon as possible either by phone or written notice. When obtaining written statements from witnesses, reasonable efforts may be made to notify the parent/guardian or each witness. Reasonable efforts shall be made to include the allegedly offending student or parent/guardian in an investigation.
- E. Student Appeal Process to Disciplinary Responses
- The essential rights involved in disciplinary procedures stem from the concept of due process as outlined above.
- a. Upon initiation of appeal process, penalties shall not be implemented until the student ceases or exhausts his/her appeal, except in cases where a student presents a threat to the health, safety, or welfare of other students and staff.
 - b. Students, parents and guardians may all engage in the appeal process.
 - c. Disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the above three procedures.
 - d. The appeal process may be initiated for any of the following reasons:
 - i. Inappropriate due process
 - ii. Incorrect Consequence
 - iii. Incorrect Charge

F. Appeal Process

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.~~
- a. Students or parents shall have the right to informally appeal staff disciplinary action to the next disciplinary level within two (2) school days after the charge. The objective is to resolve the matter informally.
- b. If the matter is not resolved satisfactorily in the above manner, a written appeal to the next disciplinary level will be made within two (2) school days of the previous disciplinary level. parent/student conference shall be conducted within five (5) school days of appeal and shall give a written decision within two (2) school days of conference.
- c. A final written appeal may be made to the Superintendent/designee within two (2) school days of the previous disciplinary level. The unresolved problem will be discussed in a conference with the parents/student and the Superintendent/designee. The decision of the Superintendent shall be final, except in cases governed by Regulation 616*.
- d. ~~As required by Regulation 616,~~ The following **applies to** appeals of long-term suspensions only. A hearing shall be granted by the Board upon receipt of a written request stating the student desires a hearing **and received by the Board within 5 days of the student's receipt of the decision of the Superintendent.** 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.
***See Regulation 616 for more details and definitions.**

Should an appeal be requested after the consequence has been served, the appellant may request that a student's discipline record be erased or corrected for the infraction. Such an appeal must be

requested within 30 calendar days of the incident.

~~SUSPENSION, ALTERNATIVE SCHOOL PLACEMENT, AND EXPULSION~~

~~The Board recognizes that exclusion from the educational program of the schools, whether by suspension, alternative school placement, 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 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. Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on any Milford School District property or at any off-campus event during the entire duration of their suspension, alternative placement, or expulsion.~~

SUSPENSION FROM SCHOOL

A. Short-Term Suspension

- a. The Principal, in accordance with the rules of the district, shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district Central Review Committee/Alternative Placement Meeting decision or the district Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.
- c. Due Process will be followed as outlined in Chapter III.
- d. 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 suspensions are required to complete their work.
- e. 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.
- f. In all events, parents will be notified to have the student 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. 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.

B. Long-Term Suspension

- a. The Superintendent, in accordance with the rules of the district school, shall have the right to impose a Long-term Suspension on any student in the school who has violated the school's Student Code of Conduct's listed acts of misconduct as defined in 14 DE Admin. Code 614.3. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. Prior to any Suspension from school, the initial due process procedures outlined in Chapter III shall be followed.
- c. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the districts/charters appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.
- d. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district's appeal or Grievance process.
- e. Prior to the student's return from an out-of-school Suspension of three (3) school days

or more, the Principal shall hold an in-person or phone conference with the Parent and student. The conference shall be designated by the Principal, who may waive the conference.

ASSIGNMENT TO ALTERNATIVE PROGRAM

A student may be assigned to an Alternative Program because of serious or repeated violations of the Code. Assignment to an Alternative Program is the removal of a student from the regular school program, with placement in special alternatives designed to meet the student's particular needs. A principal may refer a student for Alternative Placement:

- a. for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district school Student Code of Conduct and the student's behavior is within the defined conduct under Regulation 616.
- b. in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment.
- c. in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school based best practice interventions have been put into place for said student.

C. Building Level Conference

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur. The principal:

- a. shall follow due process as outlined in Chapter III
- b. shall notify the student and parent/guardian.
- c. may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- d. shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.
- e. shall hold a building level conference (by phone or in person and with a third person present) with the parent/guardian and student to inform them:
 1. of the referral for Alternative Placement
 2. that the student may be suspended and;
 3. of the procedures that will take place as follow-up to the referral for Alternative Placement.
- f. shall mail a notice of the Alternative Placement Meeting to the parent/guardian at least 5 business days before the meeting is to occur.

In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (See Appendix II)

D. Central Review Committee Meeting/District Alternative Placement Meeting

- a. The Central Review/Alternative Placement Team includes: a representative of the Alternative Program Staff, a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker
- b. A district Central Review Committee/Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.
- c. The Parent and student shall receive verbal and written notification of the district/charter school's Central Review Committee/Alternative Placement Meeting within one day of the meeting. Parents and student may, but are not required to, attend the meeting.
- d. The Parent and student shall be informed of the district/charter school Central Review Committee/Alternative Placement Team's decision for placement within one (1) business day of the meeting.
- e. If the decision is to assign to an Alternative Placement, the Superintendent **or**

designee shall send follow-up written notice within three (3) business days to the Parent describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

E. Student Assignment to Alternative Placement

- a. Milford School District contacts the Alternative Program to set up a date and time for an Intake Meeting.
- b. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.
- c. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district representative, the Alternative Program administrator, and other appropriate Alternative Program staff. A student assigned to a Consortium Discipline Alternative Program must be registered in Milford School District before the Intake Meeting is held.
- d. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and Parent signatures.
- e. During the Intake Meeting, Milford School District representative shall communicate, to all in attendance, the district/charter school's individualized goals and expectations for the alternatively placed student, including the Individualized Service Plan (ISP) under 14 DE Admin. Code 611, if applicable. The individualized goals and expectations shall be recorded on the Intake Form.
- f. The Intake Form shall be signed by all parties, copied and distributed to the student and Parent, Alternative Program administrator, and Milford School District representative and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.
- g. Milford School District shall maintain all alternatively placed students' enrollment status in Delaware Student Identification System (DELSIS) and eSchool PLUS database systems or successor Delaware Department of Education approved student database management system. A student placed in a Consortium Discipline Alternative Program shall have both an "active" and "service" status designation in DELSIS.
- h. Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on any Milford School District property or at any off-campus events.

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 up to 180 school days 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.~~

F. Expulsion Process:

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

STEP I – Investigation and Recommendation for Expulsion

1. The principal or designee investigates the violation and follows due process from Chapter III of this policy.

2. After the student has been afforded initial due process procedures, if the Principal decides that disciplinary action in the form of a recommendation for Expulsion will be made, the following procedures shall be afforded:
 - a. The student shall be given a Short-Term Suspension.
3. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion. The conference is held by phone or in person and notes are recorded by a second person.
4. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

STEP II – Expulsion Hearing Determination

1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation. The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
2. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (Appendix I)
 - a. Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at its next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

STEP III – Expulsion Hearing

1. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
2. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.
3. The student and Parent may also be given copies of the following: (reason for the recommendation, names of witnesses who may appear, and copies of information that may be submitted as evidence).
4. The Expulsion Hearing shall be conducted by a district Board of Education or Hearing Officer.
5. The Board of Education or Hearing Officer:
 - a. shall have full authority to admit or exclude evidence.
 - b. is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.
 - c. may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
 - d. may limit unduly repetitive proof, rebuttal and cross examination.
6. In conducting the hearing, the district shall:
 - a. submit evidence first followed by the response of the student, if any.
 - b. allow further evidence by either party to be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.

- c. be recorded in a manner that will permit transcription.
 - d. Not allow the Superintendent presenting the case on the part of the District to testify.
- 7. The student shall have the following rights:
 - a. To be represented by legal counsel at the student's expense;
 - b. To cross-examine witnesses;
 - c. To testify and produce witnesses on his/her behalf; and
 - d. To obtain, at the student's expense, a copy of the transcript of the hearing.

STEP IV – Expulsion Decision by Board of Education

- 1. Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent. The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.
- 2. The Board of Education shall:
 - a. conduct a review of the Hearing Officer's recommendation, the transcript and all evidence, and then may accept, reject, or modify the recommendation of the Hearing Officer.
 - b. report to the Delaware Department of Education within five (5) business days of the Board's decision to expel.
 - c. grant a decision in writing, within ten (10) business days of the decision by the Board of Education, to the Superintendent, Parent and student. The written decision shall include notice of the right to appeal to the State Board of Education. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.

STUDENTS WITH DISABILITIES

- A. In the case of a known or suspected disabled student, as defined in federal and state regulations, being considered for expulsion or change in placement, an Individual Educational Placement (IEP), Manifestation Determination (MD) or Section 504 (as appropriate) team meeting will be convened before change in placement or expulsion.
- B. The IEP/504 Team will determine whether (1) the alleged conduct is a manifestation the student's disability, or (2) the student's programming and placement was appropriate at the time of the offense. A disabled student's conduct is a manifestation of the disability if the IEP/MD/Section 504 Team so determines. If the IEP/504 Team determines that the offense is a manifestation of the student's disability, the student's program and/or placement may be changed by the team, but not as a disciplinary consequence, and only to provide appropriate services and placement.
- C. If the IEP/504 Team determines that the offense is not a manifestation of the student's disability, the principal will follow the Student Code of Conduct, and continued services and placement shall be determined by the IEP Team.
- D. In instances where the student presents a danger to himself or others as afforded by law, Interim Alternative Educational Settings may be invoked by the District, including homebound instruction.

CORPORAL PUNISHMENT

- 1. 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:
- 2. Using reasonable and necessary physical contact to quell a disturbance ~~or physical altercation~~ or prevent an act that threatens ~~imminent bodily harm~~ ~~physical injury~~ to any other person.
- 3. 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.
- 4. Using reasonable and necessary physical contact for the purpose of self-defense or the defense of others.

5. Using reasonable and necessary physical contact for the purpose of protecting public school property.
6. ~~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.~~
7. Using reasonable and necessary physical contact to prevent a pupil from **imminently** inflicting harm on himself or herself.
8. Using reasonable and necessary physical contact to protect the **bodily** safety of others.
9. 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.~~

SMOKING

~~The State of Delaware prohibits smoking by all persons within all buildings, facilities and school grounds of the District. Smoking includes any delivery system whether electronic or non-electronic (ie: vape pipes, juuls and e-cigarettes.)~~

UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM

Milford Elementary Schools have been declared safe schools.

The Milford School District complies with 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 firearms in school. In compliance with the Federal Gun-Free Schools Act of 1994, the District adopts the following policy:

Possession of a firearm, 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.

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. 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. 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.

Parent Meeting Request and Parent Communication

~~Teachers are required to attempt to contact parents and/or building administrator of PreK, Kindergarten and 1st grade students prior to the first write-up. This is to enlist the assistance of parents in correcting the problem before a write up is issued. Teachers are encouraged to contact parents of children in grade 2-5 and/or building administrator prior writing up the students, particularly before the first write-up.~~

STUDENT RECORD

All discipline offenses are made a part of the student's discipline record. The discipline referral process will start over at the beginning of each school year.

CHAPTER IV

VIOLATIONS OF THE STUDENT CODE OF CONDUCT

HARASSMENT

Sexual harassment by district students or harassment or misconduct by students based upon race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or upon any other categories protected by federal, state, or local law.

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. 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.

DRUGS AND ALCOHOL

~~The Milford School District believes that drugs and alcohol have no place in the school environment and are prohibited. The Milford School District supports 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.~~

The Milford School District strives to:

1. promote student awareness/education concerning the dangers of substance abuse in the schools;
2. make known the availability of drug and alcohol counseling, rehabilitation and student assistance programs;
3. provide a fair and equitable framework for administering consequences to students who violate the policy;
4. 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 misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the school community.

In cases of drug use, possession and/or distribution of drugs and/or alcohol and/or paraphernalia and/or inhalants and/or medications, the Milford School District will:

1. Follow the code of conduct to administer consequences to students.
2. Alert law enforcement of possible criminal violations.
3. Turn over all substances and paraphernalia to law enforcement officials.
4. Request analysis of the substance if necessary.
- ~~5. Suspend from participation any student who violated the above policy more than one time during his/her period of eligibility to participate in extracurricular activities from participation in all extracurricular activities, including sports, clubs 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.~~
6. Require that 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.
7. Offer help and assistance to any student who feels that she/he has a problem with drugs or alcohol. School personnel, will offer assistance, assessment and/or identify appropriate outside resources without penalty, unless a violation of this policy has occurred. 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.
8. Be committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs and many other related activities. The Milford School District has also designated the school nurse, school psychologist and/or school counselors 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.

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.

TOBACCO AND VAPING PRODUCTS

The Milford School Board of Education recognizes that tobacco and vaping products, including any product marketed as an electronic cigarette, product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers, and the school environment. The purpose of this policy is to prohibit student possession, use, transfer, purchase, and sale of tobacco and vaping products, including Juuls and other all electronic cigarette products on school grounds and buses and during school activities. The State of Delaware prohibits smoking by all persons within all buildings, facilities and school grounds of the District in accordance with MSD policy 4220.

Definition:

Tobacco products, for the purposes of this policy and in accordance with § 1115(9)a of Title 11 of Delaware Code, shall be defined to include the following:

1. Any product that is made from or derived from tobacco or that contains nicotine, including: cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, snus, or smokeless tobacco and is intended for human consumption by any means including smoking, heating, chewing, absorbing, dissolving, inhaling, “vaping” or ingesting.
2. A component or accessory used in the consumption of a tobacco product, including filters, rolling papers, and pipes.

Authority:

The Board prohibits possession, use, transfer, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes,

regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the Milford School District; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.

The Board authorizes the confiscation and disposal of products prohibited by this policy.

Delegation of Responsibility:

- The Superintendent or designee may develop administrative regulations to implement this policy.
- The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in various forms, not limited to: the student handbooks, posted notices, signs, social media, and on the district website.
- The Superintendent or designee shall coordinate with school staff to ensure students are referred to voluntary cessation education and support programs that address the physical and social issues associated with nicotine addiction.

Reporting:

School administration shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. School administration shall inform the parent/guardian whether local law enforcement has been or may be notified of the incident. School administration shall document attempts made to reach the parent/guardian.

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 **S0161 - Attorney General's Report.** ~~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 BULLYING & CYBERBULLYING PREVENTION

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 Which Includes Cyberbullying

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. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

II. Definition of Bullying & Cyberbullying

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.
- E. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.
 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

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 perpetrated 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: With the exception of physical contact which is deemed criminal and/or meets the definition of Unlawful Sexual Contact as defined in DE Code §4112, unwanted touching of a sexual nature, unwanted talking about private parts, and unwanted comments about target's sexuality or sexual activities.

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

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 and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
- B. All reported incidents of bullying, regardless of whether the school could substantiate the incident, 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

Consequences for bullying are outlined in the disciplinary matrix in the school code of conduct. A written notice to parents/guardians will be provided in both alleged and substantiated cases to both victims and bullying perpetrators. Repeated and/or serious bullying violations will be reported to law enforcement.

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. (REQUIRED BY LAW)~~
- 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~~

VIX. 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.

Reporting Procedures

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) of this Title or legal guardian to provide information on bullying activity will be as follows:
- 1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits. The staff member will report the complaint to the administration or designee.
 - 2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will assist to provide the child with a practical, safe, private and age-appropriate method of doing so. The staff member will report the concern to the administration or designee.
 - 3. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
 - a. Conduct involved
 - b. Persons involved, designated bully, target, and bystanders' roles
 - c. Time and place of the conduct alleged, number of incidents
 - d. Names of potential student or staff witnesses

- e. Any actions taken in response
 - 4. Short, easy to use complaint forms can be obtained from the school administration or district office. (Appendix II – MSD Bullying Reporting Form)
 - 5. The MSD Bullying Reporting Form may be ~~completed on~~ downloaded from the school website ~~and automatically sent~~, completed, and then emailed to school administration.
 - 6. Anyone may report bullying. A report may be made to any staff member.
 - 7. Each principal will designate a person or persons responsible for responding to bullying complaints.
- X. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents (Milford School District RAP), which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

XI. Anonymous Reports

Formal disciplinary action solely based on an anonymous report is not permitted. Independent verification of the anonymous report is necessary in order for any disciplinary action to be applied.

XII. Notification of Parents, Guardian or Relative Caregiver

A Parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

XIII. 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 principal or designated person 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 principal or designated person prior to return to school or the general population.

A. Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hot line (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance company for recommended providers in the area.

XIV. Implementation

The school bullying prevention program must be implemented throughout the year *integrated with the school's discipline policies and 14 Del. C. § 4112.*

XV. 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 *January 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.

XVI. School Ombudsperson Information

~~The telephone number of the Department of Justice School Ombudsman shall be provided in writing to parents, students, faculty, and staff; and shall be on the website of the school district and each school.~~

Informing Students of Electronic Mediums

Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy, postings on Facebook, Twitter, MySpace, YouTube, SnapChat, Instagram, TikTok, and Pinterest shall, at minimum, be included in each district's and charter's school list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. This list is not considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim or refers to the victim shall be considered an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as "blogs" which may be used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.

XVII. Policy Notification

The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff.

XVIII. Rules and Regulations

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement *Title 14 Section 4112D of the Delaware Code*.

XIX. 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.

XX. 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.

Reporting School Crime

Delaware Code requires mandatory reporting of the offenses listed in 14 Del.C. §4112. Each school district employee has a duty to report school crimes and may incur a penalty for failure to report.

Milford School District maintains a Memorandum of Agreement (MOA) with the Milford Police Department which is approved by the Department of Education.

Superintendent or his/her designee shall report to the Department of Education all school crimes pursuant to 14 Del.C. §4112 and any incidents of misconduct pursuant to 14 Del.C. §601. Such reports shall be made on forms as designated by DOE and filed with DOE within the time prescribed by the statute.

DISCIPLINE OFFENSE AND ACTION MATRIX

	Levels (key below): T – Teacher/Staff A – Administrator/ Desi gnee		Category	Number of Offenses			
Code	Offense	Definition		1	2	3	4 +
	Hate Crimes	Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally:(1) Commits said crime for the purpose of interfering with the victim's free exercise or enjoyment of any right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights; or (2) Selects the victim because of the victim's race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this section: a. "Gender identity" means a gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth. b. "Protective hairstyle" includes braids, locks, and twists. c. "Race" includes traits historically associated with race, including hair texture and a protective hairstyle. d. "Sexual orientation" means heterosexuality, bisexuality, or homosexuality.	4	A			
	Discriminatory Behavior or Speech	Any electronic, physical, verbal or written, or action (direct or indirect) that excludes, marginalizes, or discriminates against other people or groups of people that are members of a protected class.	3	A	A		
S0304	Abusive/Inappropriate Language	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar towards an employee of the Milford School District.	1	T	T	A	A
C0625 C0604 C0626	Deadly Weapon Possession/Concealment/Sale	Possession, concealment, or sale of a Deadly Weapon in the School Environment. 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; xacto knife; mace; pepper gas; taser; non-functional weapons; box cutter; 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. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when used, displayed in a threatening manner, or attempted to be used, to cause death or serious physical injury.	4	A			
C0624	Dangerous Instrument(s) Possession/Concealment/Sale	Possession/concealment/sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.	4	A			

S0141	Academic 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. Use of cell phone during an assessment is classified as cheating. Also, plagiarism, the adoption or reproduction of original creations of another author without due acknowledgement, is considered academic cheating.	1	T	T	A	A
S0081	Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	1	T	T	A	A
S0091	Disruption of 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.	1	T	T	A	A

S0291	Dress Code Violation	Violation of Dress Code outlined in Milford School District Board Policy 5415.	1	T	T	A	A
S0102	Failure to Obey Safety Procedures Inappropriate Behavior: Safety Violation	Student does not obey safety procedures as outlined by school officials.	1	T	T	A	A
S0107	Inappropriate Behavior: Careless and Reckless Behavior	Intentional/unintentional behavior that threatens to or causes personal injury or property damage. For example: shoving, horseplay, and 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.	1	T	T	A	A
S0321	Falsification – Written/Verbal	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.	1	T	T	A	A
S0011	Use of Profanity	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar	1	T	T	A	A
S0312	Unauthorized Use of Cell Phone/Electronic Device	This includes but is not limited to tablets, computers, radios, MP3 players, electronic games, 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 without permission from a school official. Use of cell phone during an assessment is classified as cheating.	2 1	T	A	A	A
D0301	Destruction of School Property Criminal Mischief (Vandalism)	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property. This includes student and school property.	2	T	A	A	A
S0321	Forgery or School Paperwork Destruction Falsification – Written/Verbal	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.	2	T	A	A	A
	Inappropriate Behavior: School Disruption	Language, gestures, or actions that produce distractions, frictions, property damage, or disturbances that interfere with the effective functioning of the teacher, another student, a class, or any school activity.	2	T	A	A	A
	Inappropriate Behavior: Offensive touching	Intentionally touching another person with a part of their body or an instrument knowing that it is likely to cause offense or alarm.	2	T	A	A	A

S0108	Inappropriate Behavior Consensual and/or Sexual Misconduct	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). A consensual sexual act(s) between two individuals within the School Environment.	2	T	A	A	A
S0111	Stealing/Theft	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	2	T	A	A	A
S0271	Trespassing	Entering or remaining on school property without authorization; including, but not limited to, knowing or unknowing entry upon school property by a suspended student or student from another school who does not have a legitimate reason for being there.	2	T	A	A	A
S0052	Leaving Assigned Area Without Permission	Leaving an assigned area without authorization.	2	T	A	A	A
S0131	Unsafe Items	Items such as: utility knives, ice pick, lighter, pocket knife, scissors, and	2	T	A	A	A

		anything as deemed unsafe by the administration					
S0181	Acceptable Use Policy Violation	Soliciting, using or sending pornographic or obscene material, accessing unauthorized email, downloading and/or installing files with or without malicious intent, and/or damage to equipment within the school environment; or a situation in which a student tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.	3 2	T	A	A	A
S0161	Attorney General's Report	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. Attorney General's Report shall mean the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	3	A	A		
S0081	Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	3	A	A		
S0201	Failure to Perform Properly during ISS/ISD	Student does not report for disciplinary action (such as ISS, detention, etc.) and/or fails to comply with disciplinary consequence. Student does not perform properly in ISS.	3	A	A		
S0151	Fire Alarm Incident	A person 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.	4	A	A		
S0101	Inappropriate Behavior	A student uses, or threatens to use, language, gestures, or physical actions which create or might create a disturbance and/or cause physical harm to another person. 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	3	A	A		

		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.					
S0051	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.	3	A	A		
S0111	Stealing	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	3	A	A		
D1401	Tobacco Possession/Use	Possession or distribution of any tobacco product and/or lighted cigarette (cigar, pipe, vape pipe, e-cigarette, etc.), inhaling or exhaling smoke, chewing or using tobacco products	3	A	A		
S0271	Trespassing	Entering or remaining on school property without authorization; including, but not limited to, knowing or unknowing entry upon school property by a suspended student or student from another school who does not have a legitimate reason for being there.	3	A	A		
S0131	Unsafe Items	Items such as: utility knives, ice pick, lighter, pocket knife, scissors, fireworks , and anything causes alarm or is as deemed unsafe by the administration.	3	A	A		
C0713	Distribution of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	The sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Nonprescription Medication or Prescription Drugs and/or look-alike substances.	4	A			
D050 1 D050 2 D130 1 D120 1 D160 1 C070 1 C071 9	Use and/or Possession of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia. Unlawful Use or Possession of drug or alcohol look-alike substances. Unlawful Use or Possession of steroids. Unlawful Use or Possession of chemical vapors that are inhaled for their mind-altering effects. Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.	4	A			
C0201	Assault III	A person intentionally or recklessly causes physical injury to another person or With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	4	A			

D0901 D0902	Terroristic Threatening	<p>When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.</p> <p>A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.</p>	4	A				
----------------	-------------------------	--	---	---	--	--	--	--

D0704	Bullying/Cyberbullying	Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee. The use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.	4	A			
D03	Criminal Mischief (Vandalism)	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property. This includes student and school property.	4	A			
C0144	Extortion	Student attempts to obtain money or goods from another by threat of force or force.	4	A			
S0114 D0604	Stealing/Felony Theft (\$1000 or More)	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.	4	A			
D1104	Fighting/Disorderly Conduct	Any aggressive physical altercation between two or more individuals. Conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent	4	A			

		tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.					
D0801 D0802	Offensive Touching (Employee or Student Victim)	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	4	A			
D0101	Pornography: Poss & Prod	Possession, sharing, or production of any known obscene material in the School Environment.	4	A			
D1001	Sexual Harassment (Student Victim)	A threat to engage in conduct likely to result in the commission of a sexual offense against another individual. The offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.	4	A			
D0401	Tampering with Public Reports	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	4	A			
D0901 D0902	Terroristic Threatening (Employee/Student Victim)	When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment. A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.	4	A			
C0301	Unlawful Sexual Contact III	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.	4	A			
C0101 C0163	Criminal Violent, Sexual, Weapons, Dangerous Instrument Felony Offense	Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).	4	A			

GLOSSARY

Restorative Practices- Restorative Practices are deliberate and intentional tools and strategies that facilitate the building of healthy relationships. These include but are not limited to Restorative Conferences, Restorative activities. Examples of such activities include but are not limited to: Purpose Prep coursework, school-community service, letter of apology, SEL supports, classroom strategies, etc.

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. **In accordance with 14 Del. C. § 614, violation of a Behavior Contract can be used as a basis for alternative placement or recommendation for expulsion.**

Central Review Committee – Central Review Committee is a school-based committee to consider students who have repeatedly and/or seriously violated school rules and regulations and have been referred by an administrator. Committee is headed by the Principal/designee and identifies possible interventions and determines next steps in the discipline process.

Alternative Placement Team Meeting – The Alternative Placement Team follows Regulation 616 and is led by the appropriate school district Director/designee. The Alternative Placement Team decides on the placement of students in an alternative setting.

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

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.

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.

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.

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

DDOE Regulation 614 - Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion. The regulation can be found at the following link:

<http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>.

~~**Police Contact** – Student actions which may be considered a crime will be reported to the appropriate police officials or School Resource Officer. The police determine whether a crime has been committed and if charges will be filed.~~

Student Support Team (SST) - Students who exhibit repetitive disciplinary actions may be referred to the school's SST. The SST is a committee of school teachers, administrators, and support staff such as school nurse, psychologist or visiting teacher who meet to discuss strategies aimed at supporting students.

Parent Contact - Whenever a student receives disciplinary actions, a parent will be contacted. This includes phone call to the parent, email/text, or a face-to-face conference. School administrators may require a face-to-face conference with a parent/guardian in order for a student to return to school.

Attorney General's Report: Any charges received by a student either in school or out of school are reported to school district officials from the Attorney General's office. School district officials are provided access to view specifics of each charge against a student via a state crime database. The Milford School District may take disciplinary action on the charges to ensure the safety and welfare of the student body even if the charges have not been adjudicated and in accordance with Due Process procedures.

ACTION CATEGORIES

LEVELS:

A – Administrator

T – Teacher

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

CATEGORY 1

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	T	30 minutes individual reflection time with supervision (in classroom) Parent contact Restorative Practices
2	T	Up to 60 minutes individual reflection time in school (in classroom) Parent contact Restorative Practices
3	A	Up to 2 hrs. in-school individual reflection time Parent contact Restrict or provide alternate class activities Loss of privilege(s) Restorative Practices
4	A	School Suspension/In-School - up to 1 day Parent contact Restrict or provide alternate class activities Restorative Practices
5+	A	School Suspension/In-School - up to 2 days Parent contact - required conference with administrators and teachers. Restrict or provide alternate class activities Central Review Committee referral Restorative Practices

CATEGORY 2

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	T	Up to 60 minutes individual reflection time with supervision (in classroom) Parent contact Confiscate electronic device Restorative Practices
2	A	Up to 3 hrs. in-school reflection time Parent contact Restrict or provide alternate class activities Confiscate electronic device Restorative Practices
3	A	School Suspension/In-School – up to 1 day Parent contact Restrict or provide alternate class activities Confiscate electronic device
4+	A	School Suspension/In-School - up to 2 days Parent contact - required conference with administrators and teachers. Restrict or provide alternate class activities Confiscate electronic device

CATEGORY 3

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	A	School Suspension/In-School - up to 2 days Parent contact Restrict or provide alternate class activities Central Review Committee referral
2	A	School Suspension/In-School – up to 4 days Parent contact - required conference with administrators and teachers. Restrict or provide alternate class activities Central Review Committee referral
3+	A	School Suspension up to 5 days Mandatory Central Review Committee referral

CATEGORY 4

Restitution - Payment for damages may be required for any disciplinary action which results in property damage.

<u>Offenses</u>	<u>Level</u>	<u>Action</u>
1	A	School Suspension, up to 5 days Central Review Committee Referral
2+	A	School Suspension up to 10 days Mandatory Central Review Committee Referral

CELL PHONES AND COMMUNICATION DEVICES

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

**APPENDIX I:
Expulsion or Alternative School Placement Hearing Waiver**

**MILFORD SCHOOL DISTRICT
REQUEST WAIVER OF EXPULSION HEARING**

**Student
Name:**

School:

Grade:

PLEASE CHECK ONE:

_____ I am the parent/legal guardian of _____; **or**

_____ I am the student and I am eighteen years of age or older.

- I waive my right to have an expulsion hearing.
- Upon waiving my right, the expulsion hearing scheduled for _____ is cancelled.
- I understand that **(student)** will be expelled through **(time frame) with alternative educational placement.**
- I understand that I, **Student**, will not be allowed on Milford School District property for any reason for the duration of the expulsion period.
- By waiving my right to a hearing, I understand I am also waiving my right to file an appeal.

**APPENDIX II:
Bullying Reporting Form**

Bullying Definition: Any overt acts by a student, or a group of students, directed against a student victim with the intent to ridicule, harass, humiliate, intimidate or inflict bodily harm while at school, on school grounds, or at a school-sponsored activity. These acts are typically repeated against the student victim over time.

Student _____ **Date** _____

Parent/Guardian _____ **Date** _____

Name(s) of victim (s):	Name(s) of student(s) accused:	Name(s) of witnesses / bystanders:

Type of Incident (check all that apply):

____ Name calling, Physical ____ Threatening ____ Excluding (left out)
____ (hit, kicked, punched) ____ Cyber (online or text) ____ Rumors
____ Racial or demeaning comments ____ Sexual Comments ____ Stolen or damaged possessions
____ Other: _____

Where did the incident happen? (check all that apply):

____ Hallway ____ Classroom ____ Bathroom
____ Gym ____ Locker Room ____ Cafeteria
____ Bus ____ Bus stop ____ School Trip
____ Cyber (online or text) ____ Other: _____

Who have you reported the incident to: (check all that apply):

____ Teacher ____ Counselor ____ Dean
____ Administrator ____ Parent/Guardian ____ Friend
____ Other: _____

Explain the incident:

Based on this report of alleged bullying, an investigation will take place.

ADOPTED: 5/18/87; 11/23/87; 6/27/88; 7/10/89; 7/9/90; 7/1/91; 6/22/92; 7/12/93; 12/20/93; 6/27/94; 11/28/94;
6/26/95; 6/24/96; 6/14/99; 7/12/99; 9/27/99; 5/22/00; 6/25/01; 6/24/02; 6/23/03; 10/27/03; 6/28/04; 5/23/05; 5/19/08;
5/18/09; 6/21/10; 5/16/11; 7/11/11; 1/23/12; 5/21/12; 4/22/13; 3/24/14; 6/5/17; 7/30/18; 7/8/19

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

8203

FACULTY REPRESENTATIVE TO BOARD OF EDUCATION

A Faculty Representative will be permitted to ~~sit with and~~ appropriately participate in regular School Board meetings.

The Faculty Representative will serve as a liaison to the staff of the Milford School District. Nomination of the Faculty Representative will be accomplished mutually by the Milford Board of Education President, Milford School District Superintendent and Milford Education Association President. The nominee will be confirmed by the Board of Education. The term of the representative shall commence in July and end June 30 of a fiscal year.

~~The following will delineate the extent of the representative's involvement in Board matters:~~ The following guidelines will assist in guiding the Faculty Representative's honorary involvement at School Board meetings:

1. ~~The faculty representative will attend all regular and special meetings of the Board of Education.~~ The Faculty Representative may attend all regular School Board meetings and will be notified of the regular meeting dates.
2. The Faculty Representative will receive a copy of the agenda.
- ~~2. The Faculty Representative will be encouraged to participate in school board discussion on applicable matters, i.e. program, curriculum, extra-curricular activities, and student and general faculty personnel matters.~~
3. The Faculty Representative will be encouraged to participate in open session Board discussions on matters that are applicable to staff.

3. ~~4.~~ In accordance with laws of the State of Delaware, the faculty representative will not have a vote. In accordance with laws of the State of Delaware, the Faculty Representative will not vote on any matter coming before the Board.

4. ~~5.~~ The faculty representative will not participate in any matters considered by the Board in executive session unless specifically required to do so by Board action. The Faculty Representative cannot be present in Executive Session.

The selection of the faculty representative will follow the procedure below:

1. ~~Nomination of three faculty members will be accomplished by the organization certified as the exclusive negotiating representative for faculty members by June 1.~~
2. ~~The Board of Education may elect one of the nominees by June 30.~~
3. ~~If the certifying organization does not submit a name, the Board of Education may appoint a faculty representative.~~

The term of the representative shall commence in July and end June 30 of a fiscal year.

Reference: Chapters 10 and 40, Title 14, Delaware Code

ADOPTED: 7/14/75; 7/20/81; 12/18/89

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

8203

FACULTY REPRESENTATIVE TO BOARD OF EDUCATION

A Faculty Representative will be permitted to appropriately participate in regular School Board meetings.

The Faculty Representative will serve as a liaison to the staff of the Milford School District. Nomination of the Faculty Representative will be accomplished mutually by the Milford Board of Education President, Milford Board of Education Vice-President, Milford School District Superintendent and Milford Education Association President. The nominee will be confirmed by the Board of Education. The term of the representative shall commence in July and end June 30 of a fiscal year.

The following guidelines will assist in guiding the Faculty Representative's honorary involvement at School Board meetings:

1. The Faculty Representative may attend all regular School Board meetings and will be notified of the regular meeting dates.
2. The Faculty Representative will receive a copy of the agenda.
3. The Faculty Representative will be encouraged to participate in open session Board discussions on matters that are applicable to staff.
4. In accordance with laws of the State of Delaware, the Faculty Representative will not vote on any matter coming before the Board.
5. The Faculty Representative cannot be present in Executive Session.

Reference: Chapters 10 and 40, Title 14, Delaware Code

ADOPTED: 7/14/75; 7/20/81; 12/18/89, 8/1/22

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

8204

STUDENT REPRESENTATIVE TO BOARD OF EDUCATION

Whereas the Board of Education considers it helpful in its deliberations on certain educational matters to receive direct input from students, it is agreed that a **high school Milford High School** Student Representative may attend and appropriately participate in regular School Board meetings.

The Student Representative will serve as a liaison to the students of the Milford School District. Nomination of the Student Representative will be accomplished mutually by the Milford High School Principal, Milford High School Student Council Advisor and Milford High School Student Council President. The nominee must be either a junior or a senior. The nominee will be confirmed by the Board of Education.

The following guidelines will assist in ~~the determination of a student representative and will delineate to some extent his or her~~ **guiding the Student Representative's honorary involvement in Board matters at School Board meetings:**

1. The Student Representative ~~will~~ **may** attend all regular **School Board** meetings of the Board of Education and will be **appropriately** notified of **same the regular meeting dates.**
2. The Student Representative will receive ~~copies~~ **a copy** of **all the** agenda, ~~and other supportive data that is made available to the press and other guests who attend Board meetings.~~
3. The Student Representative will be encouraged to participate in **School open session** Board discussions on matters that are applicable to students, ~~i.e. programs, curriculum, extra-curricular activities, student rights.~~

4. In accordance with laws of the State of Delaware, the Student Representative will not vote on any matter coming before the Board of Education.
5. The Student Representative will not participate in any matters considered by the Board cannot be present in Executive Session or at study session by invitation.
6. Nomination of the student representative will be accomplished mutually by the high school principal and president of the student council. The nominee will be confirmed by the Board of Education.
7. The first student representative should be a junior with the intent that he or she serves for a two-year period. Thereafter, a junior will be appointed each year to audit all regular meetings of the Board of Education and will assume active status as student representative during his or her senior year.
8. The student representative is expected to make appropriate explanation reports and to serve as a liaison to the students of Milford School District.

Reference: Chapter 10, Title 14, Delaware Code

ADOPTED: 9/18/72; 12/18/89, 8/1/22

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

8204

STUDENT REPRESENTATIVE TO BOARD OF EDUCATION

Whereas the Board of Education considers it helpful in its deliberations on certain educational matters to receive direct input from students, it is agreed that a Milford High School Student Representative may attend and appropriately participate in regular School Board meetings.

The Student Representative will serve as a liaison to the students of the Milford School District. Nomination of the Student Representative will be accomplished mutually by the Milford High School Principal, Milford High School Student Council Advisor and Milford High School Student Council President. The nominee must be either a junior or a senior. The nominee will be confirmed by the Board of Education.

The following guidelines will assist in guiding the Student Representative's honorary involvement at School Board meetings:

1. The Student Representative may attend all regular School Board meetings and will be notified of the regular meeting dates.
2. The Student Representative will receive a copy of the agenda.
3. The Student Representative will be encouraged to participate in open session Board discussions on matters that are applicable to students.
4. In accordance with laws of the State of Delaware, the Student Representative will not vote on any matter coming before the Board.
5. The Student Representative cannot be present in Executive Session.

Reference: Chapter 10, Title 14, Delaware Code

ADOPTED: 9/18/72; 12/18/89, 8/1/22

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

4303(b)

**LOCAL SALARY SUPPLEMENT: CHIEF CUSTODIAN
TWELVE-MONTH EMPLOYEES**

<u>EXPERIENCE</u>	<u>CHIEF CUSTODIAN</u>
0	9,842
1	9,972
2	10,067
3	10,131
4	10,196
5	10,293
6	10,388
7	10,484
8	10,580
9	10,644
10	10,741
11	10,838
12	10,902
13	11,030
14	11,061
15	11,125
16	11,254
17	11,318
18	11,446
19	11,511
20	11,575
21	11,639
22	11,704
23	11,768
24	11,832
25	11,896
26	11,960
27	12,024
28	12,088
29	12,152
30	12,281

~~Potential Performance Stipends Based Upon Evaluation~~ **Local Chief Salary Stipend**

Chief Custodians Elementary ~~300~~ **1,500**

Chief Custodians Middle School/High School ~~750~~ **2,500**

ADOPTED: 1/23/89; 10/23/89; 2/25/91; 6/21/93; 7/1/97; 7/1/99; 7/1/00;
7/1/01; 11/24/03; 5/24/04; 5/23/05; 5/22/06; 5/21/07; 6/30/08

REVISED: 3/22/10, 6/20/11; 9/24/12; 07/08/13, 10/19/15, 7/1/16, 7/1/18; 10/18/21, **07/11/22**

MILFORD SCHOOL DISTRICT POLICY 5404

STUDENT CODE OF CONDUCT SECONDARY SCHOOLS

CHAPTER I INTRODUCTION AND STUDENT EXPECTATIONS

INTRODUCTION

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.

CODE OF CONDUCT REVIEW

The Student Code of Conduct Central Academy and High School 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:

1. Administrative, staff, student, and parent suggestions;
2. Legal interpretation; and
3. Annual Review

CODE OF CONDUCT DISSEMINATION

On an annual basis:

1. A copy of the student code of conduct shall be posted on the school website and a copy given to each student.
2. Students receive training in the discipline system at the beginning of each school year and as changes occur.
3. Administration and staff receive annual training based upon current district policies and procedures as well as changes in Regulation.

CODE OF CONDUCT AUTHORITY

The Student Code of Conduct may be enforced:

1. On school property prior to, during and following regular school hours including but not limited to when school is in session or when school activities are in operation.
2. On all school campuses and property of the Milford School District.
3. When students are at a bus stop.

4. At all school sponsored events and other activities where school administrators and personnel have jurisdiction over students (ie: field trips, sporting events, etc...)
5. When a student's out-of-school conduct, **activity, or behavior** indicates that the student presents a threat to the health, safety, or welfare of other students and staff. **This conduct may be physical in nature or electronically which have an impact on the safe and effective operation of our schools.**
6. Students who attempt to register in the Milford School District with outstanding disciplinary actions ~~discipline issues~~ **from Milford School District or their previous school district** are subject to the consequences outlined in this document. **This includes but is not limited to suspension, expulsion, and placement at an alternative school.**

RESTORATIVE PRACTICES

Restorative Practices are deliberate and intentional tools and strategies that facilitate the building of healthy relationships. When individuals live in healthy relationships with others, there is abundant personal growth, capacity for character building, and high level achievement. We believe it is important for all students and staff to build positive relationships with one another, as this produces the best academic, social, and emotional outcomes.

When a harm occurs in the community, healing is a process essential to restoring healthy relationships with the understanding that harm-doers should be held accountable for and take an active role in repairing harm. Conflict is resolved through honest dialogue and collaborative problem-solving, while addressing the root cause and the needs of those impacted.

Following a harm, staff shall work with the student and others involved to determine how to repair the harm caused and provide restitution whenever possible. To the extent possible, consequences will be given that match the function of the infraction. For example, if an infraction involved destruction of school property, a consequence including a measure to restore the damage shall be considered for inclusion. Similarly, if an infraction involved a harm to a social relationship, a consequence including a measure to restore the relationship, a loss of a social privilege, and/or another activity that strengthens a pro social skill may be considered.

STUDENT EXPECTATIONS

Students are expected to:

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

CHAPTER II

STUDENT RIGHTS AND RESPONSIBILITIES

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School officials have a right under the law to search

students or their property whenever there is reasonable suspicion that the students have something that violates school rules or endangers the health, safety, or welfare of others. Students may be searched to maintain the ongoing educational process, to maintain order, and/or to protect people and property.

Searches may include the student and his/her locker, desk, automobile, MSD owned computing resources including all data stored on the MSD network, personal belongings, book bags, purses, or any bags or containers used to carry personal property.

RIGHTS AND RESPONSIBILITIES OF POSSESSIONS

Students have the right: To privacy in their personal possessions unless the principal/designee/staff member 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 device, cell phone, weapon, stolen property, unsafe item, 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 and other electronic devices 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. The District is not responsible for a cell phone or electronic device which may be lost or stolen.

Lockers: The District presumes a student possesses, and is responsible for, all items found in the student's locker. Students should regularly check the contents of lockers. If students fail to lock lockers, or provide others access to personal lockers, students remain responsible for items found in personal lockers. Student lockers are the property of the school and may be subject to search by an administrator at any time with or without reasonable suspicion to protect the health, safety, and welfare of others.

Bookbag/Purse: The District presumes a student possesses, and is therefore responsible for, all items found in the student's bookbag, purse, or similar bag or container used to carry books or personal property (referred to as "bookbag"). Students should regularly check the contents of their bookbags. If a student fails to secure his/her bookbag, or provide others access to his/her bookbag, the student remains responsible for items found in his/her bookbag.

Motor Vehicles: The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle. This presumption applies to any motor vehicle driven to school without regard to who owns or rides in the motor vehicle. Before bringing a motor vehicle to school, or a school activity, students should carefully inspect the motor vehicle. If a student fails to lock his/her motor vehicle, or permit others access to his/her motor vehicle, the student remains responsible for items found in his/her motor vehicle.

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 may petition to the school principal to set up a payment plan or other compensation plan.

Students who have a debt with the school will be barred from attending school activities including field trips, Homecoming, Prom, and Commencement Ceremonies. In addition, the school shall file a claim in Justice of the Peace for restitution of all debts over \$25.

MOTOR VEHICLE POLICY

Driving to school is a privilege granted by school administration. 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 a student drives to school without regard to who owns the vehicle. Before a student brings a vehicle to school, or a school activity, he/she should carefully inspect the vehicle. If the vehicle is left unlocked or others are allowed to access to your vehicle, the student who drove the vehicle to school remains responsible for items found in the vehicle. Students should follow the rules for driving/parking cars on school grounds as follows:

Register all vehicles with the office.

1. Park in designated spots only.
2. Obey the 15 M.P.H. speed limit.
3. Operate the vehicle in a safe manner.
4. Upon arrival to school, student shall go directly into the building.
5. Once on school grounds, students are not to drive off the property without administrative approval.
6. Administrative approval is required for students to be in the parking lot area when school is in session.
7. This is an unauthorized area for students during the school day.
9. ~~No smoking on school grounds.~~
10. Students shall be on time for school.
11. Students must properly park in the designated student parking spaces.
12. 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, and/or have their vehicle towed at the owner's expense. **In addition, illegal conduct in a vehicle will be reported to law enforcement.**

SKATEBOARDS/ROLLERBLADES/WHEELED SHOES

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

ELECTRONIC DEVICES AND CELL PHONES

Milford School District discourages students from bringing cell phones and other communication devices to school. Such devices include but are not limited to: cell phones, tablets, ~~computers~~ lasers, cameras, electronic games, etc. Students are prohibited from using cell phones and other electronic communication devices during the school day without permission from a school official. 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. Students who do not turn in an electronic device when requested or repeated offenses for possession of a cell phone may be considered in Defiance of School Authority.

DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION

A student may not participate in a practice, scrimmage, or contest during the time of a suspension, either in school or out of school, is in effect or during the time the student is assigned to an alternative school for disciplinary reasons.

OMBUDSPERSON

An ombudsman is made available by the state of Delaware to act as a facilitator in resolving grievances and disputes. The Delaware Department of Justice Bully Prevention and School Crime Contact (Ombudsperson) Anonymous Tip Line is: 1-800-220-5414

CHAPTER III

DISCIPLINARY PROCEDURES FOR VIOLATIONS OF STUDENT CODE OF CONDUCT

DUE PROCESS PROCEDURES & APPEAL PROCESS

- A. All students must be informed of the violation(s) and the range of disciplinary actions. These items should be:
 - a. included in the Student Code of Conduct.
 - b. explained to students in person on a yearly basis.
 - c. disseminated in print and electronic copy.
- B. Each student involved in a situation which may result in a disciplinary action must be given the following due process by the administrator or designee:
 - a. informed of the allegations against him/her, the conduct which forms the basis of the allegation(s), and explained the policy, rule, or regulation violated
 - b. given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence, witnesses, or questions
- C. A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.
- D. Parent Notification
 - a. Parents are to be informed of incidents as soon as possible either by phone or written notice. When obtaining written statements from witnesses, reasonable efforts may be made to notify the parent/guardian or each witness. Reasonable efforts shall be made to include the allegedly offending student or parent/guardian in an investigation.
- E. Student Appeal Process to Disciplinary Responses for short and long-term suspensions and alternative placement decisions. The essential rights involved in disciplinary procedures stem from the concept of due process as outlined above.
 - a. Upon initiation of the appeal process, penalties shall not be implemented until the student ceases or exhausts his/her appeal, except in cases where a student presents a threat to the health, safety, or welfare of other students and staff.
 - b. Students, parents and guardians may all engage in the appeal process.
 - c. Disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the below three reasons.
 - d. The appeal process may be initiated for any of the following reasons:
 - i. Inappropriate due process
 - ii. Incorrect consequence
 - iii. Incorrect charge or charge not supported by substantial evidence
- F. Appeal Process
 - a. Students or parents shall have the right to informally appeal staff disciplinary action to the next disciplinary level Principal within two (2) school days after the charge. The objective is to resolve the matter informally.

- b. If the matter is not resolved satisfactorily in the above manner, a written appeal to the next disciplinary level Superintendent's designee will shall be made within two (2) school days of the previous disciplinary level. A parent/student conference shall be conducted within five (5) school days of appeal and shall give a written decision within two (2) school days of conference.
- c. A final written appeal may be made to the Superintendent/designee within two (2) school days of the previous disciplinary level. The unresolved problem will be discussed in a conference with the parents/student and the Superintendent/designee. The decision of the Superintendent shall be final. except in cases governed by Regulation 616*.
- d. ~~As required by Regulation 616,~~ The following **applies to** appeals of long-term suspensions only. A hearing shall be granted by the Board upon receipt of a written request signed by the student stating he/she desires a hearing **and received by the Board within 5 days of the student's receipt of the decision of the Superintendent.** 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. ***See Regulation 616 for more details and definitions.**

Should an appeal be requested after the consequence has been served, the appellant may request that a student's discipline record be erased or corrected for the infraction. Such an appeal must be requested within 30 calendar days of the incident.

~~SUSPENSION, ALTERNATIVE SCHOOL PLACEMENT AND EXPULSION~~

~~The Board recognizes that exclusion from the educational program of the schools, whether by suspension, alternative school placement, 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 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. Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on any Milford School District property or at any off-campus event during the entire duration of their suspension, alternative placement, or expulsion.~~

SUSPENSION FROM SCHOOL

A. Short-Term Suspension

- a. The Principal, in accordance with the rules of the district, shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. The Superintendent, in accordance with the rules of the district/charter school, shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district Central Review Committee/Alternative Placement Meeting decision or the district Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.
- c. Due Process will be followed as outlined in Chapter III.
- d. 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 suspensions are required to complete their work.
- e. 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.
- f. In all events, parents will be notified to have the student 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. 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.

B. Long-Term Suspension

- a. The Superintendent, in accordance with the rules of the district school, shall have the right to impose a Long-term Suspension on any student in the school who has violated the school's Student Code of Conduct's listed acts of misconduct as defined in 14 DE Admin. Code 614.3. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- b. Prior to any Suspension from school, the initial due process procedures outlined in Chapter III shall be followed.
- c. When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the districts/charters appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.
- d. The Parent or student may appeal the Suspension to the next administrative level in accordance with the district's appeal or Grievance process.
- e. Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. The conference shall be designated by the Principal, who may waive the conference.

ASSIGNMENT TO ALTERNATIVE PROGRAM

A student may be assigned to an Alternative Program because of serious or repeated violations of the Code. Assignment to an Alternative Program is the removal of a student from the regular school program, with placement in special alternatives designed to meet the student's particular needs. A principal may refer a student for Alternative Placement:

- a. for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district school Student Code of Conduct and the student's behavior is within the defined conduct under Regulation 616.
- b. in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment.
- c. in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school based best practice interventions have been put into place for said student.

C. Building Level Conference

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur. The principal:

- a. shall follow due process as outlined in Chapter III
- b. shall notify the student and parent/guardian.
- c. may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- d. shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.
- e. shall hold a building level conference (by phone or in person and with a third person present) with the parent/guardian and student to inform them:
 1. of the referral for Alternative Placement
 2. that the student may be suspended and;
 3. of the procedures that will take place as follow-up to the referral for Alternative Placement.
- f. shall mail a notice of the Alternative Placement Meeting to the parent/guardian at least 5 business days before the meeting is to occur.

In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (See Appendix II)

D. Central Review Committee Meeting/District Alternative Placement Meeting

- a. The Central Review/Alternative Placement Team includes: a representative of the Alternative Program Staff, a district level coordinator who will be designated by the superintendent; the building level principal, assistant principal or other person as appropriate; the student's Parent; guidance counselor or school social worker
- b. A district Central Review Committee/Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.

- c. The Parent and student shall receive verbal and written notification of the district/charter school's Central Review Committee/Alternative Placement Meeting within one day of the meeting. Parents and student may, but are not required to, attend the meeting.
- d. The Parent and student shall be informed of the district/charter school Central Review Committee/Alternative Placement Team's decision for placement within one (1) business day of the meeting.
- e. If the decision is to assign to an Alternative Placement, the Superintendent **or designee** shall send follow-up written notice within three (3) business days to the Parent describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

E. Student Assignment to Alternative Placement

- a. Milford School District contacts the Alternative Program to set up a date and time for an Intake Meeting.
- b. The Intake Meeting shall not occur unless all required participants are present, unless excused by the Superintendent, and documentation from the Alternative Placement Packet is provided.
- c. Participants required to be present at the Intake Meeting include, but are not limited to, the student, the Parent, a district representative, the Alternative Program administrator, and other appropriate Alternative Program staff.
- d. A student assigned to a Consortium Discipline Alternative Program must be registered in Milford School District before the Intake Meeting is held.
- e. The Intake Meeting will include the completion of necessary forms, including the Intake Form, which requires student and Parent signatures.
- f. During the Intake Meeting, Milford School District representative shall communicate, to all in attendance, the district/charter school's individualized goals and expectations for the alternatively placed student, including the Individualized Service Plan (ISP) under 14 DE Admin. Code 611, if applicable. The individualized goals and expectations shall be recorded on the Intake Form.
- g. The Intake Form shall be signed by all parties, copied and distributed to the student and Parent, Alternative Program administrator, and Milford School District representative and shall become part of the student's educational record as defined by 14 DE Admin. Code 252.
- h. Milford School District shall maintain all alternatively placed students' enrollment status in Delaware Student Identification System (DELSIS) and eSchool PLUS database systems or successor Delaware Department of Education approved student database management system. A student placed in a Consortium Discipline Alternative Program shall have both an "active" and "service" status designation in DELSIS.
- i. Students suspended, placed at alternative school, or expelled from school are also excluded from school-related activities and are not permitted on any Milford School District property or at any off-campus events.

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 up to 180 school days 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.~~

F. Expulsion Process

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

STEP I – Investigation and Recommendation for Expulsion

1. The principal or designee investigates the violation and follows due process from Chapter III of this policy.
2. After the student has been afforded initial due process procedures, if the Principal decides that disciplinary action in the form of a recommendation for Expulsion will be made, the following procedures shall be afforded:
 - a. The student shall be given a Short-Term Suspension.
 - b. The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and;
3) of the procedures that will take place as follow-up to the recommendation for Expulsion. The conference is held by phone or in person and notes are recorded by a second person.
3. All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

STEP II – Expulsion Hearing Determination

1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation. The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
2. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and Parent shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct. (Appendix I)
 - a. Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at its next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

STEP III – Expulsion Hearing

1. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
2. The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the district/charter school office prior to the mailing.
3. The student and Parent may also be given copies of the following: (reason for the recommendation, names of witnesses who may appear, and copies of information that may be submitted as evidence).
4. The Expulsion Hearing shall be conducted by a district Board of Education or Hearing Officer.
5. The Board of Education or Hearing Officer:
 1. shall have full authority to admit or exclude evidence.
 2. is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.
 3. may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
 4. may limit unduly repetitive proof, rebuttal and cross examination.

6. In conducting the hearing, the district shall:
 1. submit evidence first followed by the response of the student, if any.
 2. allow further evidence by either party to be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.
 3. be recorded in a manner that will permit transcription.
 4. Not allow the Superintendent presenting the case on the part of the District to testify.
7. The student shall have the following rights:
 1. To be represented by legal counsel at the student's expense;
 2. To cross-examine witnesses;
 3. To testify and produce witnesses on his/her behalf; and
 4. To obtain, at the student's expense, a copy of the transcript of the hearing.

STEP IV – Expulsion Decision by Board of Education

1. Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent. The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.
2. The Board of Education shall:
 - a. conduct a review of the Hearing Officer's recommendation, the transcript and all evidence, and then may accept, reject, or modify the recommendation of the Hearing Officer.
 - b. report to the Delaware Department of Education within five (5) business days of the Board's decision to expel.
 - c. grant a decision in writing, within ten (10) business days of the decision by the Board of Education, to the Superintendent, Parent and student. The written decision shall include notice of the right to appeal to the State Board of Education. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.

STUDENTS WITH DISABILITIES

A. In the case of a known or suspected disabled student, as defined in federal and state regulations, being considered for expulsion or change in placement, an Individual Educational Placement (IEP), Manifestation Determination (MD) or Section 504 (as appropriate) team meeting will be convened before change in placement or expulsion.

B. The IEP/504 Team will determine whether (1) the alleged conduct is a manifestation the student's disability, or (2) the student's programming and placement was appropriate at the time of the offense. A disabled student's conduct is a manifestation of the disability if the IEP/MD/Section 504 Team so determines. If the IEP/504 Team determines that the offense is a manifestation of the student's disability, the student's program and/or placement may be changed by the team, but not as a disciplinary consequence, and only to provide appropriate services and placement.

C. If the IEP/504 Team determines that the offense is not a manifestation of the student's disability, the principal will follow the Student Code of Conduct, and continued services and placement shall be determined by the IEP/504 Team.

D. In instances where the student presents a danger to himself or others as afforded by law, Interim Alternative Educational Settings 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 physical altercation~~ or prevent an act that threatens ~~imminent bodily harm~~ ~~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 ~~imminently~~ inflicting harm on himself or herself.
7. Using reasonable and necessary physical contact to protect the ~~bodily~~ 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.~~

UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM

Milford Central Academy and Milford High School have been declared safe schools. The Milford School District complies with 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 firearms in school. In compliance with the Federal Gun-Free Schools Act of 1994, the District adopts the following policy:

Possession of a firearm, 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.

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. 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. 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.

CHAPTER IV

VIOLATIONS OF THE STUDENT CODE OF CONDUCT

HARASSMENT

Sexual harassment by district students or harassment or misconduct by students based upon race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or upon any other categories protected by federal, state, or local law.

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. 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.

DRUGS AND ALCOHOL

~~The Milford School District believes that drugs and alcohol have no place in the school environment and are prohibited. The Milford School District supports 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.~~

The Milford School District strives to:

1. promote student awareness/education concerning the dangers of substance abuse in the schools;
2. make known the availability of drug and alcohol counseling, rehabilitation and student assistance programs;
3. provide a fair and equitable framework for administering consequences to students who violate the policy;
4. 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 misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the school community. In cases of drug use, possession and/or distribution of drugs and/or alcohol and/or paraphernalia and/or inhalants and/or medications, the Milford School District will:

1. Follow the code of conduct to administer consequences to students.
2. Alert law enforcement of possible criminal violations.
3. Turn over all substances and paraphernalia to law enforcement officials.
4. Request analysis of the substance if necessary.
- ~~5. Suspend from participation any student who violated the above policy more than one time during his/her period of eligibility to participate in extracurricular activities from participation in all extracurricular activities, including sports, clubs 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.~~
6. Require that 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.

7. Offer help and assistance to any student who feels that she/he has a problem with drugs or alcohol. School personnel, will offer assistance, assessment and/or identify appropriate outside resources without penalty, unless a violation of this policy has occurred. 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.

8. Be committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs and many other related activities. The Milford School District has also designated the school nurse, school psychologist and/or school counselors 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.

NON-CONTROLLED 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.

SMOKING

~~Smoking includes any delivery system whether electronic or non-electronic (ie: vape pipes, juuls and e-cigarettes.)~~

TOBACCO AND VAPING PRODUCTS

The Milford School Board of Education recognizes that tobacco and vaping products, including the any product marketed as an electronic cigarette, product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers, and the school environment. The purpose of this policy is to prohibit student possession, use, transfer, purchase, and sale of tobacco and vaping products, including Juuls and other all electronic cigarette products on school grounds and buses and during school activities. The State of Delaware prohibits smoking by all persons within all buildings, facilities and school grounds of the District in accordance with MSD policy 4220.

Definition:

Tobacco products, for the purposes of this policy and in accordance with § 1115(9)a of Title 11 of Delaware Code, shall be defined to include the following:

1. Any product that is made from or derived from tobacco or that contains nicotine, including: cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, snus, or smokeless tobacco and is intended for human consumption by any means including smoking, heating, chewing, absorbing, dissolving, inhaling, “vaping” or ingesting.
2. A component or accessory used in the consumption of a tobacco product, including filters, rolling papers, and pipes.

Authority:

The Board prohibits possession, use, transfer, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the Milford School District; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.

The Board authorizes the confiscation and disposal of products prohibited by this policy.

Delegation of Responsibility:

- The Superintendent or designee may develop administrative regulations to implement this policy.
- The Superintendent or designee shall notify students, parents/guardians and staff about the Board’s tobacco and vaping

products policy by publishing information in various forms, not limited to: the student handbooks, posted notices, signs, social media, and on the district website.

- The Superintendent or designee shall coordinate with school staff to ensure students are referred to voluntary cessation education and support programs that address the physical and social issues associated with nicotine addiction.

Reporting:

School administration shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. School administration shall inform the parent/guardian whether local law enforcement has been or may be notified of the incident. School administration shall document attempts made to reach the parent/guardian.

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 **S0161 - Attorney General's Report.** ~~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 BULLYING & CYBER BULLYING PREVENTION

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 Which Includes Cyberbullying

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. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

II. Definition of Bullying & Cyberbullying

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.
- E. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.
 - 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
 - 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

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: With the exception of physical contact which is deemed criminal and/or meets the definition of Unlawful Sexual Contact as defined in DE Code §4112, unwanted touching of a sexual nature, unwanted talking about private parts, and unwanted comments about target's sexuality or sexual activities.

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

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 and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
- B. All reported incidents of bullying, regardless of whether the school could substantiate the incident, 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

Consequences for bullying are outlined in the disciplinary matrix in the school code of conduct. A written notice to parents/guardians will be provided in both alleged and substantiated cases to both victims and bullying perpetrators. Repeated and/or serious bullying violations will be reported to law enforcement.

~~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. (REQUIRED BY LAW)~~
- 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~~

IX. 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. Reporting Procedures

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) of this Title or legal guardian to provide information on bullying activity will be as follows:
1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits. The staff member will report the complaint to the administration or designee.
 2. If a child expresses a desire to discuss a personal incidence of bullying with a staff member, the staff-member will assist to provide the child with a practical, safe, private and age-appropriate method of doing so. The staff member will report the concern to the administration or designee.
 3. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
 - a. Conduct involved
 - b. Persons involved, designated bully, target, and bystanders' roles
 - c. Time and place of the conduct alleged, number of incidents
 - d. Names of potential student or staff witnesses
 - e. Any actions taken in response
 4. Short, easy to use complaint forms can be obtained from the school administration or district office. (Appendix II – MSD Bullying Reporting Form)
 5. The MSD Bullying Reporting Form may be **completed on** ~~downloaded from~~ the school website **and automatically sent**, ~~completed, and then emailed to~~ school administration.
 6. Anyone may report bullying. A report may be made to any staff member.
 7. Each principal will designate a person or persons responsible for responding to bullying complaints.
 8. Every confirmed bullying incident will be recorded in the school register of Bullying incidents (Milford School District RAP), which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

XI. Anonymous Reports

Formal disciplinary action solely based on an anonymous report is not permitted. Independent verification of the anonymous report is necessary in order for any disciplinary action to be applied.

XII. Notification of Parents, Guardian or Relative Caregiver

A Parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

XIII. 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 principal or designated person 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 principal or designated person prior to return to school or the general population.

Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hot line (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)- 734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance company for recommended providers in the area.

XIV. Implementation

The school bullying prevention program must be implemented throughout the year *integrated with the school's discipline policies and 14 Del. C. § 4112.*

XV. 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 *January 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.

~~XV. School Ombudsperson Information~~

~~The telephone number of the Department of Justice School Ombudsman shall be provided in writing to parents, students, faculty, and staff; and shall be on the website of the school district and each school.~~

XVI. Informing Students of Electronic Mediums

Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy, postings on Facebook, Twitter, MySpace, YouTube, SnapChat, Instagram, TikTok, and Pinterest shall, at minimum, be included in each district's and charter's school list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. This list is not considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim or refers to the victim shall be considered an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as "blogs" which may be used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.

XVII. Policy Notification

The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff.

XVIII. Rules and Regulations

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement *Title 14 Section 4112D of the Delaware Code*.

IX. 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.

XX. 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.

~~DOE REGULATION 601. SCHOOL POLICE RELATIONSHIP~~

Reporting School Crime

Delaware Code requires mandatory reporting of the offenses listed in 14 Del.C. §4112. Each school district employee has a duty to report school crimes and may incur a penalty for failure to report.

Milford School District maintains a Memorandum of Agreement (MOA) with the Milford Police Department which is approved by the Department of Education.

Superintendent or his/her designee shall report to the Department of Education all school crimes pursuant to 14 Del.C. §4112 and any incidents of misconduct pursuant to 14 Del.C. §601. Such reports shall be made on forms as designated by DOE and filed with DOE within the time prescribed by the statute.

~~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 ACTIONS AND CONSEQUENCES

- Action A: Verbal Warning **and/or Restorative Practices**
- Action B: Written Warning/Parent Contact **and/or Restorative Practices**
- Action C: Teacher Intervention(s)/Parent Contact; ~~May Include Seat Change or other classroom intervention~~
- Action D: **Mandatory Behavior Contract** ~~School Detention & Parent Contact; Detention Assigned Before/After School~~
- Action E: Verbal Reprimand & Parent Contact **and/or Restorative Practices**
- Action F: School Detention & Parent Contact **and/or Restorative Practices** Action
- G: Two School Detentions & Parent Contact
- Action H: **Class Period ISS or One Day ISS** & Parent Contact Action
- I: Two Days ISS & Parent Contact; Parent Conference

- Action J: Three Days ISS & Parent Contact; Parent Conference to Return
- Action K: ~~Specified Long Term ISS/Pre-Alternative School; Mandatory Parent Conference~~ **Restorative Practices**
- Action L: One Day OSS & Parent Contact, **Re-entry Meeting**
- Action M: Two Days OSS & Parent Contact, **Re-entry Meeting**
- Action N: Up to three Days OSS & Parent Contact; **with Re-entry Meeting & Behavior Contract** ~~Parent Conference to Return~~
- Action O: ~~Behavior Contract With Student & Parent; May Include Attendance Clause~~ **Cell Phone Contract**
- Action P: **Up to five (5) days OSS, Mandatory Police Referral** ~~referral to Police or Other Agency and/or Central Review; Suspension from School --- up to five days, possible Central Review Referral, and/or Alternative Placement Team Meeting; Re-entry Meeting & Behavior Contract if applicable~~
- Action Q: ~~Referral to School Discipline—Options: Behavior Contract, Principal's Probation, Class Placement/Change, School Service, Referral to Central Review Committee, Student Activities/Athletics Suspension 1-4 Weeks; Police Referral, Alternative Placement Team Meeting~~
- Action R: Suspension up to ten days pending Central Review Committee **Meeting, Placement at Alternative School**, ~~Options: Mandatory Behavior Contract, Class Change, Extend Suspension, School Service, Alternative School Referral, Student Activities/Athletics Suspension; Police Referral; Alternative Placement Team Meeting; Recommend Expulsion Hearing and Re-entry Meeting~~
- Action S: Referral for Expulsion Hearing, police contact, ~~if required~~ – suspension for up to 10 days, **extend suspension**
- 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
- Action Y: Loss of Privileges
- Action Z: Required Action for Academic Cheating: Zero for work & required Parent Meeting ~~Assignment still must be completed.~~ **Classroom intervention. Alternate assignment.**

The principal or designee may offer community service **and other restorative practices** to a student **in addition to or to replace support** a disciplinary consequence listed above.

Restorative Practices- Restorative Practices are deliberate and intentional tools and strategies that facilitate the building of healthy relationships. These include but are not limited to Restorative Conferences, Restorative activities. Examples of such activities include but are not limited to: Purpose Prep coursework, community service, letter of apology, respecta agreement, etc.

Re-Entry Meeting - The purpose of this meeting is to ensure that students have the support they need to be successful in the school setting after serving a suspension or expulsion. In addition, the meeting serves to reinforce the expectations for student behavior, plan restorative conference or activities, and outline the plan in an behavior contract.

Attorney General's Report: Any charges received by a student either in school or out of school are reported to school district officials from the Attorney General's office. School district officials are provided access to view specifics of each charge against a student

via a state crime database. The Milford School District may take disciplinary action on the charges to ensure the safety and welfare of the student body even if the charges have not been adjudicated and in accordance with Due Process procedures.

Principal's/Behavior 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 on a principal's/behavioral contract. A principal's/behavioral contract is an agreement between a student, the student's parent(s) or guardians, and an administrator. The principal's/behavioral contract will specifically state the conditions that, unless met, will result in a recommendation for further disciplinary action. **In addition, a Behavior Contract should outline supports the student may need to be successful in school and/or strategies for the student to use to avoid future situations that may result in disciplinary action.**

Central Review Committee – a Central Review Committee is a school-based committee to consider students who have repeatedly and/or seriously violated school rules and regulations and have been referred by an administrator. Committee is headed by the Principal/designee and identifies possible interventions and determines next steps in the discipline process.

Central Review/Alternative Placement Team Meeting – The Alternative Placement Team follows Regulation 616 and is led by the appropriate school district Director/Designee. The Alternative Placement Team decides on the placement of students in an alternative setting, alternate school setting, long-term suspension or expulsion. **The principal or designee may schedule a Central Review meeting based upon the offenses in the code of conduct which serve as a basis for placement at an alternative school in accordance with 14 Del. C. § 614. This includes five (5) or more violations of the code of conduct or violation of a behavior contract.** 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. **A Behavior Contract will be created at the end of the Central Review meeting.**

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.

Behavior Contract - a student must fulfill specific commitments for a specified time period. If the student fails to fulfill the commitments, student will face consequences as outlined in the contract, which may include a referral to the Central Review Committee or the possibility of a recommendation for expulsion. **In accordance with 14 Del. C. § 614, violation of a Behavior Contract can be used as a basis for alternative placement or recommendation for expulsion.**

Principal's Probation - A probationary period when a student is unable to attend or participate in any activities outside the regular school day unless as part of a grade for a class. Principal's probation period will be outlined as part of a Behavior Contract.

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

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.

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/Official – 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.

DDOE Regulation 614 - Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion.

The regulation can be found at the following link:

<http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>.

STUDENT DISCIPLINE – SCHEDULE OF SINGLE OFFENSES, DEFINITIONS AND ACTIONS

INFRAC TION COD E	OFFENSE	D E F I N I T I O N S	Number of Year Offenses (A new record is started each year)				
			1st	2nd	3rd	4th	5th
			ACTIO N	ACTION	ACTI ON	ACTIO N	ACTIO N
C0 101 C0 163	Criminal Violent, Sexual, Weapo ns, Danger ous Instrum ent Felony Offense	Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).	R	R	R	S	S
C0 151	Hate Crimes	Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally:(1) Commits said crime for the purpose of interfering with the victim's free exercise or enjoyment of any right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights; or (2) Selects the victim because of the victim's race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this section: a. "Gender identity" means a gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth. b. "Protective hairstyle" includes braids, locks, and twists. c. "Race" includes traits historically associated with race, including hair texture and a protective hairstyle. d. "Sexual orientation" means heterosexuality, bisexuality, or homosexuality.	R	R	R	S	S
C0 122 C0 125	Rape/Attem pted Rape	Sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.	R	R	R	S	S

C0 133 C0 134 S0 152	Arson/Reckless Burning	A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion. A person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.	R	R	R	S	S
C0141	Extortion	To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.	R	R	R	R	S
C0201	Assault III	A person intentionally or recklessly causes physical injury to another person or With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	R, P, D	P, R	P, R	S	S
C0301	Unlawful Sexual Contact III	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.	R	R	R	S	S
C0621	Dangerous Instrument(s) Possession/ Concealment/ Sale	Possession/concealment/sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.	R,S	R,S	R, S	R,S	R,S
C0 62 5 C0 60 1 C0 62 6	Deadly Weapon Possession/ Concealment/ Sale	Possession, concealment, or sale of a Deadly Weapon in the School Environment. 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; xacto knife; mace; pepper gas; taser; non-functional weapons; box cutter; 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. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when used, displayed in a threatening manner, or attempted to be used, to cause death or serious physical injury.	R	R	R	S	S
C0121	Sexual Harassment/	Any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil	R to S	R to S	R to S	R to S	R to S

	Assault	<p>union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761(f) of Title 11; Sexual Intercourse as defined in §761(g) of Title 11; sexual penetration as defined in §761(i) of Title 11; and child sexual abuse as defined in §901 of Title 10.</p>					
C0713	Distribution of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	The sale, transfer, or Distribution in school, on school property, or on school field trip of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Nonprescription Medication or Prescription Drugs and/or look-alike substances.	R	R	R	R	S
D0101	Pornography: Possession & Production	Possession, sharing, or production of any known obscene material in the School Environment.	I, X, D	N, X	N X	R X	S X
D0301	Criminal Mischief Vandalism	<p>A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property. This includes student and school property.</p>	Up to R,U	Up to R, U	R, U	S,U	S,U
D0401	Tampering with Public Records	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	N to R	R	R	R	R

D0501 D0502 D1301 D1201 D1601 C0701 C0719	Use and/or Possession of Drugs and/or Alcohol and/or Paraphernalia and/or Inhalants and/or Medications	<p>In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.</p> <p>Unlawful Use or Possession of drug or alcohol look-alike substances. Unlawful Use or Possession of steroids. Unlawful Use or Possession of chemical vapors that are inhaled for their mind-altering effects. Possessing or using Nonprescription Medication or Prescription Drugs of any type in the</p> <p>School Environment in violation of 14 DE Admin. Code 612.</p>	R	R	R	S	S
D 1301	Drug Paraphernalia	<p>"Drug paraphernalia" shall mean all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body. .</p>	H, D	H, D	H, D	M, D	N, D

D0601	Felony Theft (\$1000++)	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.	R,U	R, U	S , U	S,U	R
D0701	Bullying / Cyberbullying	Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee. The use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so	D, K,, L	K, D, ,N	R	S	S,U

		severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.					
	Discriminatory Behavior or Speech	Any electronic, physical, verbal or written, or action (direct or indirect) that excludes, marginalizes, or discriminates against other people or groups of people that are members of a protected class.	A to N	D to N	R	R	R
D 0 8 0 1 D 0 8 0 2	Offensive Touching Student Victim	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	M to R	N to R	R	S	S
	Offensive Touching Employee Victim	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	R	R	R	R	R

D 0 9 0 1 D 0 9 0 2	Terroristic Threatening	<p>When a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.</p> <p>A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.</p>	R	R,P	S , P	S,P	S,P
D100 1	Sexual Harassment	A threat to engage in conduct likely to result in the commission of a sexual offense against another individual. The offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.	R	R	S	S	S
D1101	Fighting/ Disorderly Conduct	<p>Any aggressive physical altercation between two or more individuals.</p> <p>Conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.</p>	I, or P,R	P,R	P , R	S	S
D1401	Tobacco Possession and/or Use	Possession or distribution of any tobacco product and/or lighted cigarette (cigar, pipe, vape pipe, Juul, e-cigarette, etc.), inhaling or exhaling smoke, chewing or using tobacco products	A to F, K, X N	E,, K, X N	A to F, K, X N	H to J, X N	L, X N

D2001	Teen Dating Violence	Assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. §1312, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.	E to R	E to R	E to R	E to R	E to R
S0011	Profanity, Use of	Student uses written/spoken language, materials, or gestures which are offensive, obscene, or vulgar.	D , F to H, K	F to H, K	D, I	L	M
S002 1	Unexcused Absence/Truancy	An unexcused absence; refer to MSD Attendance Policy #5403. Chronic Truants will be referred to Truancy Court	H	H	H	H	H
S003 2	Tardiness: Late to Class	Late to class without authorization or approved reason (every 3rd tardy)	F E, K	F, K	G	G	H
S004 1	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.	F, K, H	K, H, I	H J	D, J	R
S005 1	Leaving School Grounds w/o Permission	Leaving the school grounds, after arriving on school grounds, without authorization prior to the end of the student's scheduled day.	D, H	D, I	D, J	D, J	R

S0071	Loitering	Student is present in any school area without authorization including student on school property before/after dismissal.	Up to H, K	Up to I, K	Up to J	J	J
-------	-----------	--	------------	------------	---------	---	---

S0081	Defiance of School Authority	A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	K, H to L	K,H,I to M	K,H, D, N	N	N to R
S0091	Disruption of 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	F	G	H	I	I
S0101	Inappropriate Behavior	Violation of classroom rules not specifically covered by the student code of conduct.	A to H, K F to N	A to I, K F to N	F to N	F to N	F to N
S0102	Inappropriate Behavior: Safety Violation	Student does not obey safety procedures as outlined by school officials.	A to C	C to F	D to G	H	H
S0103	Inappropriate Behavior: Violation of Behavioral Contract	The failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.	R	R	R	R	R
S0105	Inappropriate Behavior: Disrespect towards a Student	Student 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.	F to N	F to N	F to N	F to N	F to N

S0107	Inappropriate Behavior: Careless & Reckless Behavior	Intentional/unintentional behavior that threatens to or causes personal injury or property damage. For example: shoving, horseplay.	B to H, K	D, H, K, I	I to L	M	R
S0108	Inappropriate Behavior: Consensual and/or Sexual Misconduct	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) A consensual sexual act(s) between two individuals within the School Environment.	F to N	F to N	N to R	S	S
S0111	Stealing/Theft	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	Up to N,U	Up to N,U	R,U	S,U	S,U
S0112	Unsafe Driving / Parking Violation	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 Student violates school parking and driving agreement.	H to V, P	H to V, P	H to V, R, P	H to V, R, P	H to V, R, P
S0131	Unsafe Items	Items such as: utility knives, ice pick, lighter, pocket knife, scissors, and anything as deemed unsafe by the administration	Up to R,X	Up to R,X	R,X	R,X	S
S0141	Academic 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	Z,D, K	H,Z, K	I,Z, K	Up to R	Up to R

		questions, work results, or projects. Use of cell phone during an assessment is classified as academic cheating. Also, plagiarism, the adoption or reproduction of original creations of another author without due acknowledgement, is considered academic cheating.					
S0151	Fire Alarm Incident	A person intentionally sets off a false school fire alarm, or call in a false 911 emergency directly or indirectly; recklessly damages or interferes with effective functioning of school's fire alarm system.	R	P,R	S	S	S
S0301	Abusive/ Inappropriate 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.	L to N, K	N, K	N,R	N,R	S
S0161	Attorney General's Report / Off Campus Conduct	Attorney General's Report shall mean the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	R	R	R	S	S
S 02 01 S 02 11 S 02 21 S 02 31	Failure to Report or Perform Disciplinary Action	Student does not report for disciplinary action (such as ISS, detention, etc.) and/or fails to comply with disciplinary consequence. Student does not perform properly in ISS.	A to L N	F to M - N	N R	R	R
S0241	Gambling	Student participates in games of chance for money and/or other things of value.	A to H	F to N	R	R	R

S0271	Trespassing	Entering or remaining on school property without authorization; including, but not limited to, knowing or unknowing entry upon school property by a suspended student. or student from another school who does not have a legitimate reason for being there.	L R	L R	L R	L R	L R
S0272	Breaking and Entering	The unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.	R	R	R	R	R
S0281	Unprepared for PE Class	Student does not dress appropriately for PE class	A	B	C	F	N
S0291	Dress Code Violation	Violation of Dress Code outlined in Milford School District Board Policy 5415	A, B, C, E, Ø	E, F, H	H	I	D N
S0302	Instigation	Behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals.	K H to N	D, K L to N	D, K M to N	N	R
S0181	Acceptable Use Policy Violation Misuse of Technology	Soliciting, using or sending pornographic or obscene material, accessing unauthorized email, downloading and/or installing files with or without malicious intent, and/or damage to equipment within the school environment; or a situation in which a student tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.	A to L or R	R	R	S	S

S 03 11 S 03 12	Unauthori zed Electronic Device / Cell Phone	This includes but is not limited to tablets, computers, radios, MP3 players, electronic games, beepers, cell phones, CD players, game 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 without permission from a school official. Use of cell phone during an assessment is classified as cheating.	A, K, B, Q, X	H, F, X	O, D H, X	H, O , D -I, X	N , M, X
S 03 21 S 03 22	Falsification Written/Verbal	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.	C to H	H to I	I to L	J to M	R

S033 3	Code of Conduct Violations: Repeated (5+)	Five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.	Up to R	Up to R	R	R	R
-----------	---	--	------------	------------	---	---	---

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; 1/23/12; 5/20/13; 4/29/14; 6/5/17;

APPENDIX I:
Expulsion or Alternative School Placement Hearing Waiver

MILFORD SCHOOL DISTRICT REQUEST WAIVER OF EXPULSION HEARING

Student
Name:

School:

Grade:

PLEASE CHECK ONE:

_____ I am the parent/legal guardian of _____; or

_____ I am the student and I am eighteen years of age or older.

- I waive my right to have an expulsion hearing.
- Upon waiving my right, the expulsion hearing scheduled for _____ is cancelled.
- I understand that **(student)** will be expelled through **(time frame) with alternative educational placement.**
- **I understand that I, Student, will not be allowed on Milford School District property for any reason for the duration of the expulsion period.**
- By waiving my right to a hearing, I understand I am also waiving my right to file an appeal.

**APPENDIX II:
Bullying Reporting
Form**

- 33 -

Student _____

Date _____

Parent/Guardian _____

Date _____

Bullying Definition: Any overt acts by a student, or a group of students, directed against a student victim with the intent to ridicule, harass, humiliate, intimidate or inflict bodily harm while at school, on school grounds, or at a school-sponsored activity. These acts are typically repeated against the student victim over time.

Name(s) of victim(s):	Name(s) of students(s) accused:	Name(s) of witnesses/bystanders

Type of Incident (check all that apply):

- ☐ Name calling Physical
- ☐ (hit, kicked, punched) Racial or demeaning
- ☐ Threatening
- ☐ Cyber (online or text)
- ☐ Excluding (left out)
- ☐ Rumors
- ☐ comments Other (explain):

☐

☐ Sexual comments

☐ Stolen or damaged possessions

Where did the incident happen? (check all that apply):

- ☐ Hallway
- ☐ Gym
- ☐ Bus
- ☐ Cyber (online or text)

- ☐ Classroom
- ☐ Locker
- ☐ Room Bus
- ☐ Stop Other

- ☐ Bathroom
- ☐ Cafeteria
- ☐ School Trip

Who have you reported the incident to? (check all that apply):

- ☐ Teacher
- ☐ Administrator
- ☐ Other

- ☐ Counselor ☐
- ☐ Parent/Guardian ☐

Explain the incident:

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; 1/23/12; 5/20/13; 4/29/14; 6/5/17; 7/30/18

Based on this report of alleged bullying, an investigation will take place.

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

5405

DEMERIT SYSTEM
GRADES 6-12

A discipline demerit system is in effect in order to track students who progress through the discipline system.

The total number of demerit points determines the status of the student in the discipline system; in other words, every offense counts, bus discipline is separate. Also, with a demerit system, students are able to earn "good time" points to reduce their demerit total. They can work their way back to good standing.

Students who end the school year with 45 or more demerits will be placed on a behavioral contract for the following school year.

Demerit System

1 detention	=	1 demerit per day
1 in-school suspension	=	5 demerits per day
1 out-of-school suspension	=	8 demerits per day

(Example: fighting requires a 3-day OSS, yielding 24 demerits)

30 demerits =	parent conference, principal's probation, social restrictions
45 demerits =	parent conference with School Review Committee, assigned seating at lunch, Superintendent's hearing
60 demerits =	parent conference, Central Review referral, recommendation to School Board for expulsion or placement in alternative school

* Principal's Probation (Social Restrictions)

Denied parking/driving privileges on campus

Denied field trips

Denied attendance/participation in school events or activities including the prom and homecoming dance

Forfeit any elected or appointed office for remainder of school year (class or club officer, student council, office aide, etc.)

ADOPTED: 4/14/75; 3/21/77; 8/22/77; 11/17/80; 12/15/80; 6/27/88; 6/26/89; 6/27/94;
5/24/99; 5/22/00; 6/24/02; 4/23/07; 5/19/08

REVISED: 5/17/10; 5/21/12

DELETED: 07/11/22