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The Colonial School District shall not discriminate in its employment practices or its educational programs and activities of students on the basis of race, creed, color, religion, national origin, age, sex, sexual orientation, domicile, marital status, disability, genetic information, veteran status, or any legally protected characteristic.

This document is not all-inclusive nor does it restrict the District's authority to take actions necessary to maintain a safe and orderly educational environment.

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CHAPTER I

INTRODUCTION

The Colonial School District is dedicated to achieving its mission, “to provide high quality education to all students to become well-rounded, contributing members of society by offering a comprehensive academic program in a safe and nurturing environment conducive to learning. Colonial fosters a strong sense of community by building partnerships between its employees, the students, their families, businesses, and other constituencies.”

WHAT IS THE CODE OF STUDENT CONDUCT?

The Code is an official document of the Colonial School District Board of Education which:

- Describes a positive and safe school environment;
- Specifies the rights and responsibilities of students;
- Defines attendance responsibilities;
- Safeguards the rights of students;
- Defines conduct that disrupts a positive and productive learning environment;
- Standardizes procedures for disciplinary action; and
- Incorporates the State Board of Education Policy for school districts on possession, use, and distribution of drugs and alcohol, etc.

Provisions in the Code of Conduct apply to all students in Grades PK-12. Differences in age and maturity are considered in determining the type of disciplinary action to be taken. All students have a greater responsibility for their actions, as they increase in age. This Code does not restrict the Board’s legal/statutory authority to protect the health, safety, and welfare of students and staff.

A copy of the Student Code of Conduct is available to students on school entry or online, as indicated on the “Acknowledgement of Receipt” form. Orientation to the code is held in each school at the beginning of the school year. Questions by students or by parents/guardians concerning the Code should be directed to the principal of the school. Additionally, a copy of the Student Code of Conduct is posted on our website: www.colonial.k12.de.us.

WHEN IS THE CODE IN FORCE?

The Code is in force:

- On school property prior to, during, and following regular school hours
- While students are on a school bus or in a District vehicle for any purpose
- At all school-sponsored events and other activities at which school administrators/staff have jurisdiction over students

OUT OF SCHOOL CONDUCT

The Code of Conduct shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, and welfare of other students, or to the reputation of a school or the District.

Such out-of-school conduct shall include, but is not limited to:

- Acts of violence which are punishable by law
- Sexual offenses which are punishable by law
- The sale, transfer, or possession of drugs which would constitute an offense punishable by law
- Felony charges

Additionally, the principal/administrator is authorized to take administrative action when a student's misconduct to and from school has a harmful effect on other students, the community, or the orderly conduct of school business.

Days as used in this document is defined as days in which school is in session. When school is out of session, such as during the winter, spring, or summer breaks, the time limits shall be used as guidelines but not requirements.

WHAT IS A GOOD SCHOOL ENVIRONMENT?

A good school environment is best described as:

- SAFE and POSITIVE
- Providing a range of educational opportunities
- Making improvement of student behavior the primary goal of disciplinary action

It is also the presence of a friendly, yet businesslike atmosphere in which students and school personnel work cooperatively toward recognized and acceptable goals. A good school environment is free from distractions, friction, and disturbances.

CONFLICT RESOLUTION/MEDIATION

It is the philosophy of the Colonial School District that students and staff should be proactive in their approach to behavior management. Therefore, conflict resolution and mediation strategies should be employed in a proactive manner to assist students and staff in addressing conflict and discipline issues.

WHO ESTABLISHES A GOOD SCHOOL ENVIRONMENT?

The Code recognizes the need for a working, cooperative relationship among students, parents, and school personnel. This relationship is most productive when

STUDENTS:

- Attend all classes daily and on time;
- Are prepared for class assignments and activities;
- Come to class with appropriate working materials;
- Respect all persons and property;
- Refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- Conduct themselves in a safe and responsible manner;
- Are healthy, clean, and neat;
- Are responsible for their own work and behavior;
- Abide by the rules and regulations set forth by the school and individual classroom teachers; and
- Seek changes in an orderly and approved manner.

PARENTS/GUARDIANS:

- Keep in contact with the school concerning their children's progress and conduct;
- Ensure that their children attend school each day and promptly report and explain an absence or tardiness to the school;
- Provide their child with resources needed to complete classwork and homework;
- Assist their children in being healthy, neat, and clean;

- Refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- Bring to the attention of school authorities any problem or condition which affects their children or other children of the school community;
- Discuss report cards and work assignments with their children;
- Attend Parent/Teacher conferences;
- Maintain up-to-date home, work, and emergency numbers at the school; and
- Seek changes in an orderly and approved manner.

SCHOOL PERSONNEL:

- Are in regular attendance and on time;
- Are prepared to perform their duties with appropriate working materials;
- Respect all persons and property;
- Refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- Conduct themselves in a safe and responsible manner;
- Are healthy, clean, and neat;
- Abide by the rules and regulations set forth by the school;
- Seek changes in an orderly and approved manner;
- Maintain an atmosphere which encourages good behavior and active learning;
- Plan flexible and differentiated lessons to meet the needs of all students;
- Develop a good working relationship among staff, students, and parents/guardians;
- Encourage the school staff, parents, and students to use the services of community agencies;
- Utilize good guidance procedures and practices;
- Encourage parents to maintain regular communication with the school;
- Provide opportunities for parent participation in affairs of the school;
- Encourage and maintain the involvement of students in the operation of the school, i.e. student government;
- Involve the community in order to improve the quality of life within the school and the district; and
- Engage in dialogue with parents, students, and other employees in a manner that reflects professionalism and caring.

CHAPTER II

STUDENT AND PARENT RESPONSIBILITIES AND RIGHTS

Within every school, the principal has the primary responsibility and authority for maintaining an orderly educational environment. The Colonial School District Board of Education guarantees students the freedoms allowed by law, provided these freedoms do not endanger the health, safety, and welfare of the students or staff.

Students of majority age, i.e. 18 or older; are responsible for their own actions. All students 18 years of age or older will be treated as adults for purposes of reporting violations of this policy and the law to the police. Students 18 years of age or older shall also be on notice that their parents and/or guardians will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.

The School Board recognizes and supports students' and parents' rights and corresponding responsibilities. In this section, any reference to rights and responsibilities of parents also applies to students at or over the age of 18.

The District is compliant with Title IX. Title IX complaints are to be directed to the Director of Human Resources, Colonial School District, 318 E. Basin Road, New Castle, DE 19720, 302-323-2712.

CURRICULUM

Philosophical Basis

The degree of student involvement in curriculum development depends upon the age, grade, and level of maturity of the student. Since curriculum is designed for students, as well as for the present and near-future community, student opinion is important and deserves consideration.

Responsibilities

Students have the responsibility

1. To seek curriculum clarification, if necessary, from informed persons in the school;
2. To strive for mastery of academic skills by participating in available learning activities and programs;
3. To contribute toward the development of a positive climate in the school that will lead to wholesome learning and living;

4. To respect the rights of other individuals who have different viewpoints and to become informed about issues being studied;
5. To involve themselves in school district-approved communities and to enrich the classes in which they are enrolled through participation in planning and evaluation; and
6. To explore and participate in any extra-curricular activity that corresponds to their abilities, interests, and eligibility.

Rights

Students have the right

1. To have access to clear and precise course descriptions that will help them make informed selections;
2. To participate in courses and programs appropriate to their individual needs at all grade levels;
3. To study all subjects in an atmosphere free from bias and prejudice;
4. To study any issue which relates to their course and which is within their level of maturity and within the scope of the course and to have access to all available information that relates to course objectives;
5. To participate on committees and in curriculum planning at the school and district levels; this right is restricted to secondary students who are selected according to guidelines established by the district; and
6. To equal access to any extracurricular activity corresponding to their interests and abilities (and for which they are eligible according to the District Policy for Student Participation in Extracurricular Activities).

GRADES

Philosophical Basis

Grades are one indicator of the student's learned knowledge or skill proficiency at a particular time. A student's grades should reflect the teacher's best assessment of the student's achievement, based on student data and measured in relation to the standards addressed by the course.

Responsibilities

Students have the responsibility:

1. To ask for an explanation of a grading system which they do not understand;
2. To attain standards of academic performance according to their abilities;

3. To share all notices of unsatisfactory progress with their parents/guardians and to make every effort to improve their performance;
4. To conduct themselves in a manner which fosters a good learning environment; and
5. To present assignments when due.

Rights

Students have the right

1. To receive a written copy of a teacher's grading system at the beginning of each course;
2. To receive an academic grade that is based on the teacher's grading system and reflects the student's academic achievement;
3. To request and receive written notification of unsatisfactory progress at any time during the marking period.
4. To have grades used positively and not as a disciplinary tool; and
5. To be given appropriate notice of assignment due dates.

CONSULTATION

Philosophical Basis

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Schools have the responsibility to provide counseling services for students and to inform students of services provided by other agencies.

Responsibilities

Students have the responsibility

1. To identify and/or report personal or school-related problems, concerns, or issues to appropriate staff, counselors/advisors;
2. To use counseling services for their educational and personal development, where appropriate;
3. To schedule appointments in advance unless the problems or concerns are of an emergency nature. Parents and students have the responsibility of providing information that may be useful in making intelligent educational decisions; and

4. To use counselors'/advisors' services for personal or school-related problems, concerns, or issues.

Rights

Students have the right

1. To be accurately informed as to the nature, kind, or type of guidance services available in their school and community;
2. To receive appropriate counseling for personal and educational problems within a reasonable amount of time; and
3. To have access to counselors/advisors on the staff.

ATTENDANCE

Philosophical Basis

School administrators have an obligation under State Law to enforce compulsory school attendance laws. Students have an obligation to take advantage of the opportunity for a public school education.

Responsibilities

Students have the responsibility

1. To take advantage of their educational opportunities by attending all classes daily and on time;
2. To provide the school with a note explaining the reason for an absence; and
3. To initiate contact with teachers to request and receive make-up work after an approved EXCUSED absence and to complete all make-up work within the length of time specified in District attendance regulations and procedures (See Chapter III – School Attendance).

Rights

Students have the right

1. To receive school policies that clearly define excused absences, unexcused absences, or tardiness;
2. To appeal a decision concerning an absence (excused or unexcused). Participation in a school-approved activity shall be considered an excused absence; and

3. To make up assignments, projects, and tests missed during an approved excused absence, according to school District regulations and procedures.

FREE SPEECH/EXPRESSION

Philosophical Basis

One of the purposes of the schools is to prepare students for responsible self-expression in our society. Students may inquire, question, and exchange ideas with neither real nor implied penalty. While self-expression is permitted under the First Amendment to the Constitution, it must not interrupt the orderly educational process of the school or be in violation of the Code of Conduct. Free expression must not be obscene, false statements, disruptive, or abusive.

Responsibilities

Students have the responsibility

1. To act in a quiet, dignified manner during patriotic activities;
2. To inform the school of activities which are in conflict with their religious beliefs;
3. To make reasonable requests to conduct surveys and petitions. The results obtained must be reported accurately;
4. To be well informed about issues and to express their opinions in a reasonable place and time; and
5. To plan, get approval, and hold activities which are based upon educational objectives.

Rights

Students have the right

1. To participate in activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deep personal conviction;
2. To be excused from any activity which is against their religious beliefs (as confirmed with the appropriate religious officials);
3. To petition and survey other students' opinions by following established school and District approval procedures.
4. To respectfully express their own opinions on issues;
5. To assemble peaceably on school property at a time and place designated by the principal. This right will be denied if it endangers the health or safety of others, damages property, or disrupts the activities of others.

STUDENT GOVERNMENT

Philosophical Basis

The student government is a means of providing students with an opportunity to express themselves and to act on school matters through the democratic process. All members of the school community share the responsibility for helping the student government. Students should be given the opportunity to participate in those decisions that affect the learning climate of the school. So that the student government can function as an informed organization, School Board policies and individual school policies should be made available.

Responsibilities

Students have the responsibility

1. To work, as members of the student government, on the needs and concerns expressed by the student body;
2. To seek prior consent of any faculty member recommended as an advisor;
3. To conduct election campaigns in a positive, mature manner with all due respect provided other candidates; and
4. To participate in student government activities in an appropriate manner, demonstrate positive leadership, and operate within District and school regulations.

Rights

Students have the right

1. To form and operate a student government within their particular school under the direction of a faculty advisor. This right shall be carried out within the guidelines and practices recommended by the National and State Student Government Association and within the rules and regulations of the School District;
2. To recommend members of the faculty to serve as sponsors for their school's government organization;
3. To seek office in student government regardless of race, sex, color, creed, or political beliefs; and
4. To attend official student government meetings as student government officers and representatives in accordance with school regulations.

PUBLICATIONS

Philosophical Basis

One of the important roles of the school is to provide effective ways in which students may express themselves on a wide range of subjects. Official school publications, such as school newspapers, should reflect the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

Responsibilities

Students have the responsibility

1. To use only those bulletin boards or wall areas designated for use by students and student organizations; Students must also accept responsibility for the effect that the posting, publication, or distribution of literature might have on the normal activities of the school; and
2. To refrain from publishing and/or distributing false statements and obscene materials, to seek full information on the topics about which they write, to observe acceptable standards of good taste, and to observe the normal rules for responsible journalism. Principals will suppress or recall literature which they consider primarily commercial in nature, or material which could disrupt the orderly operation of the school.

Rights

Students have the right

1. To possess, post, and distribute literature which will not disrupt the school program and which follows the District's guidelines for responsible journalism; and
2. To be free from censorship of their publications within the guidelines previously agreed upon by students and administrators.

STUDENT DRESS

Philosophical Basis

Student dress may vary with the age of the student, instructional activity, and physical conditions in the school. The dress and grooming of students shall contribute to the health and safety of the individual and shall not disrupt the orderly educational process. Student clothing and accessories shall neither endorse nor tacitly approve products and practices which are prohibited by law or school District policy.

Responsibilities

Students have the responsibility

To follow guidelines for dressing and grooming in a manner which shows cleanliness, promotes safety, and demonstrates respect for themselves and others.

Rights

Students have the right

To dress and groom as outlined in established school guidelines and as long as the dress does not disrupt the educational process or endanger the health and safety of themselves or others.

SEARCH AND SEIZURE

Philosophical Basis

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. 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. Search of individual students shall be based upon reasonable suspicion that the student's person, property, or personal automobile contains illegal substances, items, or material detrimental to the safety and welfare of other students or staff or in violation of the law or rules of the Student Code. Students are responsible and accountable for the contents of all items found in their lockers, automobiles, book bags, purses, and any bags or containers used to carry personal property.

All alcohol, drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the principal or designee and be made available, in the case of a medical emergency, for identification. All substances shall be sealed and documented and, in the case of substances covered by 16 Del. C., Ch. 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate. (In case of medical emergency, substances should be made available for identification purposes.)

Responsibilities

Students have the responsibility

1. To refrain from possessing or concealing any substance or objects which are illegal or which may disrupt the educational process and/or school-sponsored activities/events; and
2. To monitor and control access to their lockers, motor vehicles, purses, book bags, or similar containers and to check regularly their contents.

Rights

Students have the right

1. To privacy in their personal possessions unless the principal or designee has reasonable suspicion to believe that illegal substances/objects are possessed or being concealed by the student; and
2. To be notified that a seized substance is believed to be an illegal drug. The student and student's parent/guardian have 3 days from the date of notification to dispute, in writing, that a seized material or substance is a drug.

GRIEVANCE PROCEDURES

Philosophical Basis

When a student feels unfairly treated or has not been afforded due process, a grievance may be filed. Schools are responsible for providing a means for students to express and resolve their grievances.

Responsibilities

Students have the responsibility

To try to resolve their complaints through discussion with the person(s) involved before using the grievance procedure. When using the grievance procedure, students must state the grievance clearly, follow the established procedures, and abide by the decision that results from this process.

Rights

Students have the right

To a procedure for expressing and resolving their grievances. This procedure specifies lines of communication, timelines, and a method of appeal.

STUDENT MOTOR VEHICLES

Philosophical Basis

Student motor vehicle use to and on school or District property is a privilege which may be extended by the school district to students in exchange for their cooperation in the maintenance of a safe and orderly educational environment.

Responsibilities

Students have the responsibility

1. To operate their motor vehicles in a safe and prudent manner at all times while driving on school or District property; and
2. To refrain from carrying or concealing any substance or objects in a motor vehicle which may disrupt the educational process or which are forbidden by the Student Code or state law.

Rights

Students have the right

To privacy of the contents of their motor vehicles unless the principal or designee has reasonable suspicion to believe that an illegal substance or objects and other items that may be disruptive to the educational process are being concealed by the student.

STUDENT RECORDS

Philosophical Basis

Student records are defined as any materials concerning individual students kept in any form by the School Board or its employees, except for personal notes of teachers and other school personnel intended for their use only. Student records are maintained to provide information which can be used to develop the best possible educational program for each student. Care must be exercised by the school staff to make sure that student records are treated confidentially and that the information contained therein is accurate and appropriate. Student Code of Conduct violations and disciplinary actions will normally be recorded and maintained annually. Expulsion will be recorded on the student's cumulative record folder.

Responsibilities

Students have the responsibility

1. To give school personnel ample notice that they want to inspect and review their records. Eligible students and parents have the responsibility to meet their financial obligations for school fees or fines. Transcripts and records may not be released until all student financial obligations are met; and
2. To release information to those individuals or agencies who are working in a positive manner for the benefit of the student. The permission to release information, where required, must be in writing.

Rights

Students have the right

1. To release, inspect, review, and challenge the information contained in their school records within the district guidelines and legal age requirements. School personnel shall provide assistance to students and parents to help them understand information in student records;
2. To sign for a release of the information contained in their records to authorized agencies. The student must be fourteen years of age or older to sign this release; and
3. To be protected from the release of personally identifiable information to unauthorized persons.

MARRIAGE, PREGNANCY, AND PARENTHOOD

Philosophical Basis

Students who are married, expectant parents, or parents do not lose their right to a free public education. Students are encouraged to continue their education through programs designed to meet their special needs and circumstances.

Responsibilities

Students have a responsibility

To attend school regularly or to take advantage of special programs designed to meet their needs even though they are married, expectant parents, or parents. Students who are pregnant should seek professional medical advice regarding school attendance.

Rights

Students have the right

To remain in the regular school program or to attend a special program designed to meet their educational needs.

DISCLOSURE OF CERTAIN STUDENT INFORMATION

Colonial School District may disclose certain information, known as directory information, at its discretion without consent. Parents, or students eighteen years of age or over, may refuse to permit the release of any or all directory information. If a parent or emancipated student does not want directory information released, he or she must send written notice annually to the Superintendent of the District at the address listed in the front of this booklet. Such notice must be received within 30 days of student receipt of this book. The following student information is directory information: name, address, telephone number, date and place of birth, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous school attended by the student, and photographs of students in school or school activities provided the photographs do not reveal information concerning academic placement.

FERPA RIGHTS

The Family Education Rights and Privacy Act (FERPA) affords parents, and students over 18 years of age, the following rights:

Inspection and Review

Parents may submit to the school principal a written request identifying records they wish to inspect. The principal will notify them of the time and place at which records may be inspected. Access shall be provided within 45 days of the receipt of the request.

Amendment of Records

Parents may ask the District to amend a record they believe is inaccurate by submitting to the principal a written request identifying the part of the record they want changed and specifying why it is inaccurate. If the District denies the request, the District will notify them of the decision, advise of the right to a hearing, and provide the hearing procedures.

Disclosure without Consent

Disclosure of personally identifiable information contained in students' education records requires parent consent with the following exceptions:

1. Such records may be disclosed to school officials with legitimate educational interests. School officials include District employees; Board of Education members; a person or company retained by the District to perform a special task, for example, an attorney, auditor, medical consultant, or therapist; or a parent or student serving on a committee or assisting another school official. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill a professional responsibility; and
2. Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

Complaint

Parents may file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA by submitting a complaint to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

RIGHTS UNDER PPRA

The Protection of Pupil Rights Amendment (PPRA) affords parents, students who are 18, and emancipated minors the following rights regarding the District's conduct of surveys, collection and use of information for marketing purposes, and certain physical examinations.

Protected Information Surveys

The District is required to obtain consent permitting a child to participate in certain school activities, or parents may elect to opt out of such activities. These activities, known as protected information surveys, include a student survey, analysis, or evaluation concerning one or more of the following:

1. Political affiliations or beliefs of the student or student's parent
2. Mental or psychological problems of the student or student's family
3. Sexual behavior or attitudes
4. Illegal, anti-social, self-incrimination, or demeaning behavior
5. Critical appraisals of others with whom respondents have close family relationships
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
7. Religious practices, affiliations, or beliefs of the student or parents
8. Income, other than as required by law to determine program eligibility

Notice and Opportunity to Opt Out

The District will notify parents of the dates of the following activities and provide an opportunity to opt a student out of participating in such activities:

1. Any protected information survey, regardless of funding source
2. Any non-emergency invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical examination or screening permitted or required under state law

Activities involving collection, disclosure, or use of personal information obtained from students for marketing, to sell or otherwise distribute the information to others.

Inspection

Parents may, upon request, inspect the following:

- Protected information surveys of students
- Instruments used to collect personal information from students for marketing, sales, or other distribution purposes
- Instructional materials used as part of the educational curriculum

Adoption of Policies

The District will adopt policies, in consultation with parents, regarding these rights as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will notify parents of these policies at least annually at the start of each school year and after any substantive changes.

Complaint

If parents believe their rights have been violated, they may file a complaint with

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Colonial School District follows all Federal and State laws and regulations.

Acceptable Use of District Technology Resources

Technology usage is a critical component to 21st century learning and Colonial School District expects students at all ages to utilize technology for the purpose of learning.

1. Appropriate language must be used in any transmission. Submitting, publishing, or displaying material that is abusive, offensive, inflammatory, inaccurate, sexually-oriented, threatening, or illegal is forbidden. False statements about any person published on the Internet could constitute libel.
2. No material of a sexually oriented or illegal nature is to be produced, transmitted, or deliberately viewed.
3. To inhibit the spread of computer viruses, software or files from remote sources should be checked for viruses before use.

4. Use of technology resources for illegal activities is forbidden. Such activities include, but are not limited to, tampering with computer hardware or software; unauthorized entry into files, servers, or databases; and vandalism or destruction of computer files.
5. All copyright laws must be adhered to at all times.
6. Student-owned software may not be installed or used on district computers.
7. All students will be assigned a unique logon and password for their exclusive use. Username and passwords cannot be shared with ANYONE.

Any student found in violation of these rules shall have his/her authorization to use devices or the Internet, except in direct instructional settings, revoked for a period of time to be determined by the principal. In addition, the student may be subject to further disciplinary action as indicated by the Student Code of Conduct.

It is understood that email, Internet transmissions, and data accessed through the State and/or District is not private and may be monitored. It is expected that students have read and understand the rules above and agree to comply.

It is expected that parents/guardians have read and discussed the rules above with their child. It is understood that access to the Colonial School District's technology resources is for educational purposes and that your child has agreed to abide by Colonial School District's Acceptable Use Policy-Student as well as the State of Delaware Policy DTI-0042.02 (<https://dti.delaware.gov/pdfs/pp/AcceptableUsePolicy.pdf>).

Parents/Guardians accept full responsibility for their child's compliance. If your child's username and password are used inappropriately, it is understood that your child will be held responsible. Parents/Guardians understand that the Internet is a collection of computer networks and its content cannot be subject to complete screening by school officials. The District has taken measures to monitor and filter inappropriate access for the protection of your child. Users must be aware that there is information and services available through the Internet that could be offensive to or unsuitable for certain groups of users.

Parents/Guardians recognize that it is impossible for the District to restrict access to all controversial materials and will not hold the District, the school, or school personnel responsible for materials acquired or viewed on the network. It is understood that parents/guardians have discussed with your child precautions concerning entry of personally identifiable information. **It is understood that parent(s)/guardian(s) hereby give permission to activate technology privileges for your child.**

CHAPTER III

SCHOOL ATTENDANCE

Every parent, guardian, or other person having control of a child between the ages of 5 and 16 is required to send such child to school. School attendance is mandated by statute and by laws and regulations of the State Board of Education. The Student Attendance Policy of the Colonial School District Board of Education establishes specific regulations related to attendance. **(See Appendix B: Colonial School District Attendance Policy.)**

The chief school officer of the local school district is responsible for enforcing the attendance laws of the state and is the person who may excuse a child for necessary and legal absence, subject to the provisions of the **Delaware Code (Title 14)**.

The following are considered necessary and legal excused absences and may not be used to file truancy charges:

1. Illness of the student (including physical, behavioral, and mental health symptoms)
2. Medical diagnosis and/or treatment for physical, social, emotional, behavioral wellness, and mental health conditions.
3. Death in the immediate family; funerals of other relatives or close friends, not to exceed one day if in the locality or three days if outside the state
4. Contagious disease in the home of the child subject to regulations of the Division of Public Health, Department of Health and Social Services
5. Legal business requiring the student's presence
6. Suspension or expulsion from school
7. Observance of religious holidays
8. Approved college visits
9. Authorized school-sponsored activities
10. Attendance at one civic engagement per school year (Grade 6-12 only)
11. In addition, the Superintendent or designee shall have the authority to approve other absences.

EXCUSED ABSENCES DUE TO SOCIAL, EMOTIONAL, AND BEHAVIORAL WELLNESS

Colonial School District recognizes that Health and Wellness encompass the physical as well as the social-emotional and behavioral aspects of wellness. It is hard to learn when a student is not feeling well, physically or mentally. At times, students may miss school for reasons related to their social-emotional or behavioral well-being. When students miss school for these reasons, it is essential to connect the student to the resources based on their needs.

Definitions

Behavioral Health encompasses mental health and relates to habits that have an impact on overall mental and physical health. Behavioral health issues may include, but are not limited to, examples such as impaired coping that may lead to substance abuse, eating disorders, self-harm, and addiction.

Mental Health is the emotional, psychological, and social well-being of a person. Mental health issues may include but are not limited to, moodiness, low frustration tolerance, anxiousness, and difficulty sleeping.

Connecting with Supports and Resources Within the School

It is important to establish and maintain communication with the student's school counselor when absences are related to social, emotional, or behavioral wellness. The school counselor can assist with supporting the student in school, as well as connect them to additional supports outside the school. School counselors can also help students communicate with teachers as well as return to school successfully. The school counselor can be reached by calling the school directly.

<u>Resources Outside the School</u>	
Emergency (Local)	
Police/Fire/Ambulance	911
Child Mental Health Crisis Line	1-800-969-HELP (4357)
Crisis Text Line	Text DE to 741741
Adult Mobile Crisis	1-800-652-2929
Delaware Helpline	211 or 1-800-560-3372
Domestic Violence Hotline (Child, Inc.	302-762-6110
Help Is Here	1-833-9-HOPEDE (467333)
Sexual Assault Crisis Services (Contact Lifeline)	1-800-262-9800
National Hotline and Resources	
LGBT National Help Center	1-800-246-7743
LTBTQ Youth Crisis Line	1-866-488-7386 call/text START to 678-678
National Eating Disorders Association	1-800-931-2237
National Domestic Violence Hotline	1-800-799-SAFE (7233)
National Human Trafficking Resource Center	1-888-373-7888
National Sexual Assault Hotline	1-800-656-HOPE (4673)
National Teen Dating Abuse Hotline	1-866-331-9474 call/text LOVEIS to 678-678
S.A.F.E. Alternatives (cutting/self-injury)	1-800-DONTCUT (366-8288)
SAMHSA National Helpline (substance abuse)	1-800-662-HELP (4357)
Suicide Prevention Lifeline	1-800-273-TALK (8255)

Absences for other reasons are classified as “unexcused.”

A student enrolled in grades PK through 12 inclusive is considered truant if such a student has been absent from school without valid excuse, as defined in Rules and Regulations of the State Board of Education, for more than three (3) days or the equivalent thereof during a given school year. Schools will take action regarding unexcused absences including, but not limited to, written communications, home visits, required parent/guardian conferences, and referral of the parent for prosecution.

Parents/guardians who allow their children to be truant are subject to the following penalties as described by State Law:

Parents

First offense	fine of \$25 to \$300 or imprisonment for up to 10 days or both
Second offense	fine of \$50 to \$500 or imprisonment for up to 20 days or both
Third offense	fine of \$230 to \$1,150 or imprisonment for up to 30 days or both

A parent may be ordered to perform unpaid community service in lieu of a fine. If imprisoned, the court may impose conditions of release.

Students

Penalties may include community service, counseling, curfew, suspension or revocation of driver's permit or hunting license, prohibition of participation in extracurricular activities or school social events or recommendation that the student enroll in an alternative school.

ANY PUPIL 16 YEARS OF AGE OR OLDER WHO IS TRUANT ON MORE THAN THREE SEPARATE OCCASIONS DURING ONE SCHOOL YEAR MAY BE EXPELLED FROM SCHOOL BY THE BOARD OF EDUCATION.

THE SCHOOL, IN ADMINISTERING THE STATE POLICY, DEFINES THE MOST COMMONLY USED ATTENDANCE TERMS AS FOLLOWS:

EXCUSED ABSENCE

An excused absence from school or class is an absence for one of the reasons listed above and for which the required parental note of explanation has been presented on the first or second day of the student's return to school or class. Following a valid excused absence, the student will be allowed to make up all work missed, to take tests which were missed, and to submit any assignments which became due during the absence. Following an excused absence from school or class, the time allowance for taking tests or turning in assignments shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend the time allowance for making up work missed if the specific circumstances of the situation merit such action. The responsibility for initiating make-up work and turning in assignments rests with the student.

UNEXCUSED ABSENCE

An unexcused absence from school or class is an absence

1. Which is for a reason not listed as excused, including early dismissals without necessary or legal documentation;
2. About which the parent has no knowledge;
3. For which the parental note of explanation was not provided on the student's first or second day of return to school following the absence; and

Students suspended for periods of one to five (1-5) school days are permitted to make up missed school work in the length of time equal to the number of days absent. Teachers are required to provide make-up work to students whose suspension exceeds five (5) school days (i.e., suspension days 6 and above).

When a teacher provides assignments after an unexcused absence, the time allowance for requesting the instructional materials or assignments from the teacher shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend this time allowance if the specific circumstances of the situation merit such action.

SCHEDULING MAJOR GRADING EVENTS

Teachers are discouraged from scheduling major grading events, such as tests, examinations, presentations or project due dates on religious holidays.

LATENESS TO CLASS

At the beginning of each term, the teacher shall define guidelines regarding lateness to class. When, in the judgment of the teacher, lateness becomes excessive, the student will be reported to an appropriate staff member for administrative action. Lateness to class may have a detrimental effect on student learning.

TARDINESS TO SCHOOL/EARLY DISMISSALS

All students are expected to be punctual to and remain in school. Students who arrive at their first class assignment after the start of school are tardy. A student who is late to school should present a written explanation for the tardiness on the first or second day following the tardiness. Likewise, students who leave school early without a written explanation will be deemed absent unexcused.

Students should recognize that a written explanation from home does not automatically cause the tardiness/early dismissal to be excused. Such reasons as car trouble, personal business, heavy traffic, home obligations, etc., while understandable, are not acceptable excuses and will be listed as unexcused. Reasons such as personal illness, medical appointments, and appearances in court will be considered as excused tardiness when verified by a note from home.

Students who do not attend at least half of the class periods on a given day will be marked absent for that day. Students who do not attend at least half of a given class period will be considered absent from the class unless excused by proper authority.

PRE-ARRANGED ABSENCE

A pre-arranged absence is a student's absence from school for one or more days to visit a college or university or for other educational activities approved by the principal. The absence should be pre-arranged by writing the principal, giving the full particulars of the absence. Approval for such absences should be sought, where practicable, at least one (1) week prior to the date on which the absence is to occur. Upon the development of a plan by student and teacher for making up the assignments to be missed, the principal may then define the absence as excused.

Students who must leave the building due to an emergency or some other reason which did not permit a pre-arranged absence must receive approval from the principal or his/her designee. The student is then responsible for completing the sign-out procedure before leaving the building and must present the required parental note of explanation upon his/her return to school.

ADULT STUDENT

State law provides that a student reaches legal majority at age eighteen. The attainment of adult status provides that the student may assume responsibility for signing attendance notes and other matters pertaining to school activities.

NOTE: EACH SCHOOL SHALL DEVELOP AND DISTRIBUTE TO EACH STUDENT THE PROCEDURES WHICH SHALL BE USED IN IMPLEMENTING THIS ATTENDANCE POLICY.

CHAPTER IV

SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS

Students, and their parents as their representatives, have all the rights given to every citizen by the U.S. Constitution. Many of these rights which pertain specifically to education are defined in this document. This chapter defines the due process procedures for suspension, assignments to alternative programs, expulsion, and for filing a grievance.

Students and their parents are encouraged to become familiar with these due process procedures.

In addition to the due process procedures contained herein, the District has specific procedures for reporting and responding to complaints of discrimination and harassment by students, or employees (including approved volunteers), and members of the community on the basis of race, color, national origin, sex, gender, creed, religion, veteran status, sexual orientation, marital status, national origin, citizenship status, pregnancy, age, ancestry, disability, gender identity, genetic information, military status, or any other characteristic protected by law. Please see our website for step-by-step procedures for reporting harassment by students and employees (or approved volunteers). This policy does not address bullying; please refer to the School Bully Prevention Policy on our website.

A grievance is another name for a complaint. A student grievance exists when it is alleged that a student has been unfairly treated or has not been afforded due process. A student grievance must be filed within five (5) school days from the time of the alleged infraction.

The following persons or groups of persons may use the grievance procedures:

1. Students or groups of students
2. Parent(s)/legal guardian(s) of a student
3. Groups of parent(s)/guardian(s) of students

The grievance procedure may be used in any of the following situations:

- A. Where it is alleged that any student or group of students
 1. Is being denied access to an appropriate educational opportunity;
 2. Is being denied participation in any school activity for which the student is eligible;

3. Is being denied the opportunity to compete for a position in an activity where the selection is limited; and
4. Is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.

B. Where it is alleged that the rights of an individual student and/or group of students are being denied or abridged

STUDENT GRIEVANCE/DUE PROCESS APPEAL PROCEDURE

When the grievance procedure is used, these steps shall be followed:

1. The grievant shall request a conference with the teacher or person(s) who allegedly treated the student unfairly.
2. If the conference fails to resolve the issue, the grievant shall discuss the problem with the principal or his/her designee.
3. If the principal fails to resolve the issue, the grievant will, upon request, be given a written notice by the principal stating the reason(s) the problem could not be resolved. Such notice will be provided within five (5) school days.
4. A grievant wishing to appeal the principal's written decision must file a written appeal with the Superintendent or designee not later than ten (10) school days from the date of receipt of the principal's written decision.
5. The Superintendent or designee shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall issue a decision in writing, no later than five (5) school days following the grievance conference.
6. The decision of the Superintendent or designee shall be the final decision of the school district. A copy of the Superintendent's final decision shall be sent to all involved parties not later than ten (10) school days following receipt of the appealed decision.

TITLE IX RIGHTS AND RESPONSIBILITIES

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities. All public schools, like Colonial School District (CSD), that receive federal funds must comply with Title IX. Under Title IX no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.

Title IX – Implementation
Policy 100

Colonial School District has updated their Title IX Implementation – Policy 100. To ensure Colonial is in compliance with the new regulations, a Title IX training was administered to all potential staff that could serve as key members of an investigation. The policy was approved by the Colonial School District Board.

The District's Title IX Coordinator is:
Holly Sage, Executive Director of Human Resources
Colonial School District
318 E. Basin Road, New Castle, Delaware 19720
Phone: 302-323-2712
Email: Holly.Sage@colonial.k12.de.us

- [Click here to view training.](#)
- [Click here to view policy.](#)
- [Title IX Training Materials](#)

Inquiries concerning potential discrimination on the basis of sex can be directed to the District's Title IX Compliance Officer or to the Office for Civil Rights.

The District's Title IX Compliance Officer:
Holly Sage
Executive Director of Human Resources
Colonial School District
318 East Basin Road
New Castle, DE 19720
Tel: (302) 323-2712
Fax: (302) 323-2748

The Office for Civil Rights:
Office for Civil Rights, Philadelphia
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215) 656-8541
Fax: (215) 656-8605

GRIEVANCE PROCEDURE TO ADDRESS TITLE IX DISCRIMINATION

The Title IX Compliance Officer's responsibilities include overseeing all complaints of sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

The Colonial School District strives to provide an environment free from sex discrimination. The District encourages students, parents, and staff to identify barriers to a discrimination-free environment in all schools and worksites. Any employee, parent/guardian of a student enrolled in the Colonial School District, or student eighteen years of age or older may file a grievance if he/she believes a student has been subjected to discrimination on the basis of sex by students, employees, or third parties. All grievances will be received and investigated in a fair and expeditious manner.

Steps to Resolution

Step 1: The best solutions to parent/student concerns often occur at the school level. Therefore, the District encourages parents/students to attempt to resolve concerns by working with the building principal or other appropriate building staff to reach a joint resolution of the issue. Contact the building principal to arrange a meeting or to discuss the complaint.

Step 2: If the issue is not resolved at the school level, the Colonial School District Grievance Form shall be submitted to the District Section 504 Compliance Officer (Director of Behavioral Health) or Title IX Compliance Officer (Assistant Superintendent) within 180 calendar days of the alleged violation to request a hearing. The Compliance Officer will be independent and impartial. If he or she has prior knowledge of the situation, an independent and impartial designee shall be appointed. He or she will thoroughly and diligently investigate the circumstances of the concern, obtain information as to relevant witnesses, and evidence, obtain all relevant evidence, hear equally from the grievant's witnesses, and other witnesses, equally review all evidence from the grievant and accused and interview and obtain statements from all relevant witnesses, and then present a report of his or her finding of fact and conclusions within 30 business days. The investigation will be adequate and reliable.

The report of his or her findings shall be sent to the parties upon completion. The complaint should be sent to:

Director of Health and Wellness for section 504 Complaints or Director of Human Resources for Title IX Complaints

Title IX - Coordinator
Holly Sage
Executive Director
of Human Resources
Colonial School District
318 East Basin Road
New Castle, DE 19720
Tel: (302) 323-2712

Fax: (302) 323-2748
Section 504 - Coordinator
Jon Cooper, Ed.D.
Director of Health and Wellness
Colonial School District
318 East Basin Road
New Castle, DE 19720
Tel: (302) 323-2872
Fax: (302) 323-2748

The Colonial School District Grievance Form must be completed with all information listed below and signed by the grievant.

- the child's name, date of birth, address and the school he or she attends;
- complainant's name, address and phone number;
- complainant's relationship to the child (parent, guardian, surrogate);
- name, address, and phone number of the person representing complainant (if complainant has someone);
- decision of the school with which complainant disagrees and the reason;
- date complainant received this decision; and
- complainant's signature.

Step 3: The person filing the grievance may appeal the decision of the District Section 504 Compliance Officer or the Title IX Compliance Officer to the Superintendent (or designee) within 10 days of receiving the Compliance Officer's decision. The Superintendent (or designee) shall review all statements and evidence as well as the Compliance Officer's report (or designee's report), gather such additional evidence as deemed necessary, and then issue a written decision in response to the appeal no later than 30 days after its filing.

In the event there is a finding of discrimination, the District shall take remedial efforts and efforts to prevent recurrence and shall make all reasonable efforts to correct the discriminatory effects of a prohibited action.

Any party aggrieved shall have the right to file a formal complaint after the Superintendent's decision (or designee's decision) with the U.S. Department of Education, Office for Civil Rights.

Office for Civil Rights, Philadelphia:
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215)656-8541
Fax: (215)656-8605
Email: OCR.Philadelphia@ed.gov

OCR Electronic Complaint Form: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Colonial School District Title IX Grievance Form: Click here for the form
<http://www.colonialschooldistrict.org/wp-content/uploads/2019/09/Grievance-procedure-and-form-2019.pdf>

Title IX & 504 Rights and Responsibilities:

Title IX - Coordinator
Holly Sage
Executive Director
of Human Resources
Colonial School District
318 East Basin Road
New Castle, DE 19720
Tel: (302) 323-2712
Fax: (302) 323-2748

Section 504 - Coordinator
Jon Cooper, Ed.D.
Director of Health and Wellness
Colonial School District
318 East Basin Road
New Castle, DE 19720
Tel: (302) 323-2872
Fax: (302) 323-2748

Office for Civil Rights, Philadelphia:
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215)656-8541
Fax: (215)656-8605
Email: OCR.Philadelphia@ed.gov

SECTION 504 OF THE *REHABILITATION ACT OF 1973* RIGHTS AND RESPONSIBILITIES

Section 504 of the *Rehabilitation Act of 1973* is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education. It applies to ensure that eligible students are provided with educational benefits and opportunities equal to those provided to non-disabled students. The purpose of this notice is to inform parents and students of the rights granted to them under the law and to keep parent/guardian fully informed concerning decisions about his/her child and to inform him/her of their rights if they disagree with any of these decisions.

Under Section 504, parents/guardians have the right to:

- have their child reasonably take part in and receive benefits from public education programs without discrimination because of his/her disability;
- have the school district advise parent/guardian of their rights under federal law upon request;
- receive notice with respect to identification, evaluation, or placement of their child;
- have their child receive a free appropriate public education, including the right to be educated with other students to the maximum extent appropriate;
- have their child educated in facilities and receive services comparable to those provided to students without disabilities whenever reasonable;
- have their child be given a reasonable equal opportunity to participate in non-academic and extracurricular activities offered by the school district;
- have evaluation, educational, and placement decisions made based up a variety of information sources, by a group of persons who know the student, the evaluation data, and placement options;
- have their child receive reasonable accommodations and related services if they are needed in order for the child to receive a free appropriate public education;
- examine all relevant education records relating to decisions regarding their child's identification, educational program, and placement;
- receive a response from the school district to reasonable requests for explanations and interpretations of their child's record.

Disabled parents/guardians will be afforded reasonable accommodation if required to allow participation in their child's education.

The Colonial School District shall not discriminate in its employment practices or its educational programs and activities of students on the basis of race, creed, color, religion, national origin, age, sex, sexual orientation, domicile, marital status, disability, genetic information, veteran status, or any legally protected characteristic.

Colonial School District's representative who is responsible for assuring that the District complies with Section 504, is the Director of Behavioral Health.

Inquiries concerning potential discrimination can be directed to:

Jon Cooper, Ed.D., Director of Health and Wellness
Colonial School District
318 East Basin Road
New Castle, DE 19720
Tel: (302) 323-2872
Fax: (302) 323-2748

GRIEVANCE PROCEDURE TO ADDRESS SECTION 504 DISCRIMINATION

Section 504 Compliance Officers' responsibilities include overseeing all complaints of discrimination, identifying, and addressing any patterns or systemic problems that arise during the review of such complaints.

The Colonial School District strives to provide an environment free from discrimination. The District encourages students, parents, and staff to identify barriers to a discrimination-free and appropriate learning environment in all schools. Any employee, parent/guardian of a student enrolled in the Colonial School District, or student eighteen years of age or older may file a grievance if he/she believes they or their child has been subjected to discrimination on the basis of disability by students, employees, or third parties. All grievances will be received and investigated in a fair and expeditious manner.

Steps to Resolution

Step 1: The best solutions to parent/student concerns often occur at the school level. Therefore, the District encourages parents/students to attempt to resolve concerns by working with the building principal or other appropriate building staff to reach a joint resolution of the issue. Contact the building principal to arrange a meeting or to discuss the complaint.

Step 2: If the issue is not resolved at the school level, the Colonial School District Grievance Form shall be submitted to the District Section 504 Compliance Officer (Director of Behavioral Health) or Title IX Compliance Officer within 180 calendar days of the alleged violation to request a hearing. The Compliance Officer will be independent and impartial. If he or she has prior knowledge of the situation, an independent and impartial designee shall be appointed. He or she will thoroughly and diligently investigate the circumstances of the concern, obtain information as to relevant witnesses and evidence, obtain all relevant evidence, hear equally from the grievant's witnesses, and other witnesses, equally review all evidence from the grievant and accused and interview and obtain statements from all relevant witnesses, and then present a report of his or her finding of fact and conclusions within 30 business days. The investigation will be adequate and reliable.

The report of his or her findings shall be sent to the parties upon completion. The complaint should be sent to: Director of Health and Wellness for Section 504 Complaints

Section 504 – Coordinator
Jon Cooper, Ed.D., Director of Health and Wellness
Colonial School District
318 East Basin Road New Castle, DE 19720
Tel: (302) 323-2872
Fax: (302) 323-2748

The Colonial School District Grievance Form must be completed with all information listed below and signed by the grievant.

- the child's name, date of birth, address and the school he or she attends;
- complainant's name, address and phone number;
- complainant's relationship to the child (parent, guardian, surrogate);
- name, address, and phone number of the person representing complainant (if complainant has someone);
- decision of the school with which complainant disagrees and the reason;
- date complainant received this decision;
- and complainant's signature.

Step 3: The person filing the grievance may appeal the decision of the District Section 504 Compliance Officer to the Superintendent (or designee) within 10 days of receiving the Compliance Officer's decision. The Superintendent (or designee) shall review all statements and evidence as well as the Compliance Officer's report (or designee's report), gather such additional evidence as deemed necessary, and then issue a written decision in response to the appeal no later than 30 days after its filing. In the event there is a finding of discrimination, the District shall take remedial efforts and efforts to prevent recurrence and shall make all reasonable efforts to correct the discriminatory effects of a prohibited action.

Any party aggrieved shall have the right to file a formal complaint after the Superintendent's decision (or designee's decision) with the U.S. Department of Education, Office for Civil Rights.

Office for Civil Rights, Philadelphia
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215)656-8541
Fax: (215)656-8605
Email: OCR.Philadelphia@ed.gov
OCR Electronic Complaint Form:
<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Colonial School District Section 504 Grievance Form: [click here for the form](#)

Title VI Procedure

Title VI of the Civil Rights Act of 1964 prohibits discrimination and harassment of students and employees on the basis of race, color, and national origin. Examples may include, but are not limited to, racial harassment, school segregation, and denial of language services to English learners.

The District shall not discriminate in its employment practices or its educational programs and activities of students on the basis of race, color, and national origin. The District strives to provide an environment free from discrimination. The District encourages students, parents, and staff to identify barriers to a discrimination-free and appropriate learning environment in all schools. It is the policy of the District that unlawful discrimination is unacceptable conduct that will not be tolerated.

COMPLAINT PROCEDURE TO ADDRESS TITLE VI DISCRIMINATION

The Title VI Compliance Officer's responsibilities include overseeing all complaints of discrimination, identifying, and addressing any patterns or systemic problems that arise during the review of such complaints.

The District's Title VI Coordinator is:
Holly Sage, Executive Director of Human Resources
Colonial School District
318 E. Basin Road, New Castle, DE 19720
Phone: 302-323-2712
Email: Holly.Sage@colonial.k12.de.us

The complainant shall submit the Colonial School District Title VI Complaint Form to the District Title VI Compliance Officer. The Colonial School District Title VI Complaint Form must be completed with all information requested and signed by the complainant.

The Compliance Officer will be independent and impartial. If he or she has prior knowledge of the situation, an independent and impartial designee shall be appointed. He or she will promptly, thoroughly and diligently investigate the allegations and ensure equitable resolution. The Compliance Officer will obtain information as to relevant witnesses and evidence, obtain relevant evidence, hear equally from the complainant's witnesses, and other witnesses, equally review all evidence from the complainant and respondent and interview and obtain statements from all relevant witnesses. After the completion of the investigation, the Compliance Officer will prepare a report of his or her finding of fact and conclusions within 30 business days. The report of his or her findings shall be sent to the parties upon completion.

Either party may appeal the decision of the District Title VI Compliance Officer to the Superintendent (or designee) within 10 business days of receiving the Compliance Officer's decision. The Superintendent (or designee) shall review all statements and evidence as well as the Compliance Officer's report (or designee's report), gather such additional evidence as deemed necessary, and then issue a written decision in response to the appeal no later than 30 business days after its filing. In the event there is a finding of discrimination, the District shall take remedial efforts and efforts to prevent recurrence and shall make all reasonable efforts to correct the discriminatory effects of a prohibited action.

Any employee who is found to have engaged in conduct in violation of this policy may be subject to appropriate disciplinary action, up to and including termination of employment.

Retaliation against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title VI is prohibited and will in itself be cause for appropriate disciplinary action.

If an individual feels he/she has been subject to retaliation, he/she should file a complaint using the procedures set forth above.

Any party aggrieved shall have the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

Office for Civil Rights, Philadelphia
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215)656-8541
Fax: (215)656-8605
Email: OCR.Philadelphia@ed.gov

OCR Electronic Complaint Form:
<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

TITLE VI COMPLAINT FORM

Name of Complainant:

Contact information for the Complainant: (address, phone number and email)

Who do you feel was the victim of discrimination? (name, address, school attending)

In what way do you feel discrimination occurred? Please provide as much background information as possible about the alleged discriminatory act(s).

By whom or by what institution or agency do you believe engaged in discrimination?

When did the alleged discrimination occur?

Where did the alleged discrimination occur?

Who do you believe was harmed as a result of the alleged discrimination?

Who can be contacted for further information? (Please identify the name, address and telephone for all witnesses)

Signature of Complainant _____

Date _____

SUSPENSION FROM SCHOOL

A suspension is the temporary removal of a pupil from regular school attendance for a period not to exceed five (5) school days. The Superintendent or designee, however, may extend a suspension past the five (5)- day period pending a decision on a principal's recommendation to expel or for Code violations determined to be serious. While serving an out-of-school suspension, a student is forbidden from being on the property of the Colonial School District for any reason unless accompanied to a pre-arranged appointment by a parent or guardian. This includes sporting events or any school sponsored activities.

Prior to a suspension from school, the student shall

1. Be given oral or written notice of the charges, and if the charges are denied, be given an explanation of the evidence known to school authorities;
2. Be given a fair and impartial hearing conference and have the opportunity to present his/her side of the story;
3. Have had prior opportunity to know that the alleged actions were in violation of established rules and regulations; and
4. Be advised that the suspension may be appealed to the next administrative level.
5. Reasonable attempts are made to involve the parent/guardian or student in the investigation prior to suspension.
6. Within 3 business days, parent(s)/guardian(s) was mailed a notice identifying appeal rights and the cause and duration of the suspension.

If, post-investigation, proceeding toward alternative placement or making a recommendation for expulsion, step 7 must be completed and documented by a witness, per **Regulation 616, section 7.2.1.7.3**

7. For all referrals for Alternative Placement for a general education or special education student, 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:

- A) of the referral for Alternative Placement;
- B) that the student may be suspended pending the outcome of the district/charter school Alternative Placement Team Meeting and;
- C) of the procedures that will take place as follow-up to the referral for Alternative Placement.

The conference shall be held by phone or in person. The Principal shall have at least one other person present to take notes during the conference or shall have the conference audio recorded.

Notice of the Alternative Placement Meeting shall be mailed to the Parent and the student via regular U.S. and certified mail at least five business days before the meeting is to occur.

Generally, due process should precede the student's removal from school. However, if this is not feasible or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, and/or the educational process, the necessary notice and hearing will follow as soon as practicable.

In all cases of suspension, an attempt shall be made to notify the parents by telephone and, if necessary, to request that the student be picked up from school. Students whose parents cannot be reached by telephone will be retained at school until the end of the school day.

When a student is suspended, written notification of the suspension will be sent to the parents within 3 days. The notification shall state the cause and duration of the suspension. If suspension is for more than three days, a definite time and date for a hearing on the suspension shall be scheduled at a place designated by the principal. Every effort will be made by the school and the parent/guardian to conduct a conference prior to or upon the return of a student to school following a suspension.

Following the fourth (4th) out-of-school suspension in any one school year, or before as determined by school administration, the student must be brought up to the School Based Team for further review and intervention.

In the case of students with disabilities (as that phrase is defined under Federal regulations promulgated under the Individuals with Disabilities Education Act, the regulations and procedures as stated in the State of Delaware Administrative Manual for Exceptional Children shall be followed.

IN-SCHOOL SUSPENSION is the temporary placement of a student in a supervised area other than the area indicated by the regularly assigned schedule.

SUSPENSION OF BUS PRIVILEGES

(SEE APPENDIX C: TRANSPORTATION CONDUCT OF PUPILS)

Riding a school bus is a privilege. Suspension of bus privileges is the temporary removal of the opportunity to ride the school bus. Such suspensions are for a period not to exceed five (5) school days. The principal may, however, suspend bus privileges for a period to exceed five (5) days for repeated and/or serious misbehavior. Suspension for longer than five (5) days must have the approval of the Superintendent or designee. Suspension of bus riding privileges does **NOT** mean suspension from school. Exceptions to this policy will be made as required for students with disabilities.

Prior to the suspension of bus privileges, the student shall

1. Be given oral or written notice of the charges and be told who is making these charges or complaints
2. Be given a fair and impartial hearing and have the opportunity to present his/her side of the story
3. Have had prior opportunity to know that the alleged actions were in violation of established rules and regulations
4. Be advised that suspension of bus privileges may be appealed to the next higher authority

In all cases of suspension of bus privileges, an attempt shall be made to notify the parents by telephone with a written notification of the suspension sent to the parents within twenty-four (24) hours.

During the suspension of bus riding privileges, it shall be the parent's responsibility to provide the student's transportation to and from school.

Suspension of bus privileges shall not be used as a disciplinary action for non-bus related violations.

ASSIGNMENT TO ALTERNATIVE PROGRAM

Assignment to alternative programs is the removal of a student from the regular school program with placement in a program designed to meet the student's particular needs. Alternative programs may be located at the student's home school, another district school, or an approved site outside the district.

Assignment to an available alternative program will be made according to procedures established in Administrative Code **Title 14, Regulation 616**

(<http://regulations.delaware.gov/AdminCode/title14/600/616.shtml#TopOfPage>)

EXPULSION

Per Title 14 Education, Regulation 616 Uniform Due Process for Alternative Placement Meetings and Expulsion Hearings, Section 10

State regulations define expulsion as "... the exclusion of a pupil from school."

By state law, students expelled from any public (in Delaware or any other state) are not permitted to attend any public school in Delaware during the period of expulsion.

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

STEP I

1. The principal shall investigate all aspects of the discipline problem, including a conference with the student and his/her parents or guardians, if possible, at which time the student will be informed of the charges and afforded an opportunity to "tell his/her side of the story."
2. The principal shall complete the investigation within three (3) school days of the incident under investigation.
3. The student shall be suspended for five (5) school days.
4. Post investigation, if the principal concludes that the student committed the offense and that the nature of the offense warrants a recommendation for expulsion, the principal shall hold a building level conference with the parent and student to review the recommendation for expulsion, notify that the suspension is extended pending the outcome of the expulsion hearing and explain the procedures that will take place as follow up to the recommendation for expulsion.
5. All documentation related to the recommendation for expulsion shall be submitted to the Superintendent within 2 business days of the Building Level Conference or seven (7) business day of the incident, whichever is sooner.
6. The Superintendent shall review the 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.
7. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge. 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. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct.

STEP II

1. Within ten (10) school days from the date of completing the investigation that results in a recommendation for expulsion, the Superintendent will notify the student (if an adult) and the student's parents or guardians of the intent to expel and of the date, time, and location for a hearing. The notice of intent to expel shall

be sent by certified mail or hand delivered and shall state the reasons for the expulsion and the time and place of the hearing as well as the expulsion procedures. If notification is postmarked within the limits indicated, requirements under this provision are met.

2. The hearing shall be held no less than seven (7) or more than twenty (20) school days, after receipt of the written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. The time period may be waived by agreement of both parties.
3. The hearing shall be conducted by a hearing officer. The hearing officer may be an employee of the District, but must be impartial.
4. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. In conducting the hearing, the hearing officer shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witnesses shall be sworn in by the hearing officer.
5. The student shall have the following rights:
 - a. To be represented by counsel, at the student's expense.
 - b. To cross-examine witnesses.
 - c. To testify and produce witnesses on his/her behalf.
 - d. To obtain, at the student's expense, upon written request, a copy of the transcript of the hearing.

STEP III

1. Within five (5) days following the conclusion of the hearing, the hearing officer shall prepare a report for the Superintendent. The report shall summarize the proceedings, state findings of fact, and make a recommendation as to whether the Board should expel the student.
2. If the hearing officer does not recommend expulsion, the hearing officer may permit the student to return to school pending a review of the report by the Board.
3. The Board shall make its decision at the next scheduled public Board Meeting.
4. The Board shall conduct a review of the evidence, transcript presented to the Hearing Officer and the Hearing Officer's recommendation. The Board may accept, reject or modify the recommendation of the Hearing Officer.
5. The Board's decision shall be in writing and shall be based solely upon the report from the Hearing Officer.

STEP IV

1. The parents/guardians of a student who is expelled shall be informed that they may apply for the student's readmission at the end of the period of expulsion and must provide verification that all conditions for readmission have been met.
2. Upon readmission to school, the student will be placed on probation. The student will be assigned to a counselor who will monitor his/her behavior, academic performance, and provide assistance for a period of at least one semester.

3. A student is prohibited from being on Colonial School District property during the expulsion period except when accompanied by a parent or guardian for a scheduled appointment with school officials.
4. By state law, the Superintendent of Schools shall notify the Division of Motor Vehicles concerning the expulsion of a student who is of legal driving age or who will become so during the expulsion period. The Division shall suspend or refuse to renew the driver's license of the expelled student or refuse to issue a license to the student. The student shall remain ineligible for a driver's license until the expulsion period is over or until he or she becomes 19 years of age.
5. Normally a student shall be readmitted at the beginning of a marking period.

STUDENTS WITH DISABILITIES

1. In the case of a student with a disability being considered for expulsion or suspension in excess of 10 days cumulatively in one school year, a special education team meeting will be convened.
2. The special education team will determine whether (1) the alleged conduct was related to the student's disability; or (2) the alleged conduct resulted from the school's failure to implement an IEP.
3. If the special education team determines that either of the above standards is met, suspension or expulsion is not authorized; and the student's program and placement should be reviewed.
4. If the special education team determines that neither of the above standards are met, the principal will follow the Student Code of Conduct. To the extent required by state or federal law, a student identified as having a disability under the Individuals With Disabilities Act (IDEA) who is expelled or suspended in excess of 10 days is entitled to a free, appropriate public education.
5. If a student with a disability presents a danger to oneself or others or is so disruptive that the behavior substantially interferes with the rights of other students to benefit from an education, an interim change of placement may be authorized by either the (1) special education team decision accompanied by parental consent; or (2) court order or as otherwise afforded by law.
6. Nothing stated herein shall preclude the special education team from placing a student with a disability determined to have brought a firearm or drugs to school or to have caused serious bodily injury in an interim alternative educational setting in accordance with state and federal law.

DEFINITIONS

"Student with disability" refers to a student eligible for special education under either: (1) the Individuals With Disabilities Act (IDEA) as implemented by state regulations compiled in the Administrative Manual: Programs for Exceptional Children (AMPEC); or (2) Section 504 of the Rehabilitation Act.

"Special education team" refers to an Individual Education Program (IEP) team for students eligible under the IDEA and a multidisciplinary team for students eligible under Section 504. The composition of both teams should include individuals

knowledgeable about the student, the meaning of evaluation data, and placement options.

Questions, comments or concerns regarding a student with an IEP or 504 Plan should be directed to the building principal and if unresolved it should be directed to:

Nicole Markey
Director of Student Services
Colonial School District
318 E. Basin Road
New Castle, DE 19720
Tel: (302) 323-2872

CHAPTER V

VIOLATIONS OF THE CODE OF STUDENT CONDUCT

The Code of Student Conduct defines specific acts which are considered violations of expected student behavior. School rules come from many sources including State Law, Board of Education Policy, and District Guidelines and Regulations. These violations are examples of those acts which disrupt the school environment and the instructional process. The aim of this chapter is to provide school personnel, parents/guardians, students, and the community clear understanding of code violations and resulting disciplinary actions.

A major consideration of the Code of Student Conduct is to identify appropriate disciplinary actions to bring about positive student behavior. The severity and frequency of the misbehavior and the age and maturity of the student are considered in defining appropriate disciplinary action. It is understood that the severity of a violation of the Code necessitates disciplinary action that is appropriately severe. While administrative personnel bear the major responsibility for effectively carrying out the discipline policies, the total staff plays a vital role in resolving problems and influencing student behavior.

When appropriate schools may utilize “Restorative Practices” in response to disciplinary infractions. Restorative Practices, derived from the “restorative justice” approach in the criminal justice field, can be used to address conflicts in schools. Rather than punitive consequences, the objective is to use conflicts as an opportunity to improve relationships, foster learning, and develop social-emotional skills. Restorative practices empower students to resolve issues independently and in small groups, with the guidance of school staff, using open-ended questions and generating solutions to amend misbehavior.

Schools may also use logical consequences/solutions to the misbehavior that align with the Responsive Classroom framework. With this approach, staff is charged with assuming the best intentions from students, even when students misbehave. Misbehavior is a form of communication, and staff must seek to understand what skill the student might lack that resulted in the misbehavior, punitive consequences may damage student-staff relationships and are unlikely to encourage a more positive replacement behavior. The objective is to help students take responsibility for behavior, learn from mistakes, and ultimately develop skills to manage their own behavior.

The Code of Conduct shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students or staff.

Such out-of-school conduct shall include, but not be limited to

- acts of violence which are punishable by law;
- sexual offenses which are punishable by law;
- the sale, transfer, or possession of drugs, which would constitute an offense punishable by law; and
- felony charges.

Nothing in this section dealing with out-of-school conduct will have any effect on or alter in any way the application of the Code for in-school conduct.

The following pages list and define violations and disciplinary actions. The Code permits administrators and teachers to select from a list of recommended actions for certain violations. Specific disciplinary actions are required for other violations.

The principal or designee shall conduct such an investigation as is reasonable under the circumstances to confirm that the charged offense has in fact been committed.

Participation in School Activities

Students participating in extracurricular programs and activities are expected to maintain District standards of behavior in their school and community as defined by the Student Code of Conduct.

Any student placed on a behavior contract will be ineligible to participate in any school-sponsored extracurricular activity or program for 90 school days.

Any student who violates District-approved team or group pledges or rules may become ineligible to participate in school-sponsored extracurricular activities or programs for 45 school days if recommended by the school administration.

The District administration may also declare a student ineligible to participate in any or all school-sponsored extracurricular activities and programs for a set period of time when that student's behavior results in a threat of harm to the health, safety, or welfare of staff or students or to the reputation of the District.

Furthermore, the students do not have a right to participate in extracurricular activities in order to secure financial assistance to attend college.

In order for a student participant to receive season recognition, such as awarding of a letter or plaque or certificate, nominations for conference and state recognition, and participation in end-of-year team banquets and other such events, an individual must have completed the entire season and be in good standing throughout that season, as determined by the District.

Participation is a privilege which may be forfeited due to misconduct or failure to attain and maintain required GPA, which varies by grade configuration.

Under certain limited circumstances, students who become the victims of a violent act perpetrated by another student may make use of the Choice process to change schools.

Additionally, any students who are suspended for violations of the Student Code of Conduct or suspended from the team or activity for inappropriate conduct that violates the team or activity rules will not be permitted to attend any school events during that period whether these events are conducted at the school or any other location.

GLOSSARY OF DISCIPLINARY ACTIONS

BEHAVIOR CONTRACT is a written agreement of last resort among a student, the student's parent, and an administrator which specifically states the conditions that, unless met, may result in a recommendation for expulsion.

DENIAL OF BUS TRANSPORTATION is the temporary or permanent withholding of bus transportation for misconduct on the school bus, disrespect to the driver, or vandalism to the bus. Such action may be taken only by an administrator. During the period of denial of school bus transportation, parents are responsible for getting the student to and from school.

DENIAL OF DRIVING PRIVILEGES is the removal of permission to drive on school property for a specified time.

DETENTION is an established time outside the regular instructional time when a student is detained in a supervised area.

DISCIPLINARY AGREEMENT is an agreement which may be written or verbal, under which a student must fulfill specific commitments or be denied certain privileges until behavior improves.

EXPULSION is the exclusion of a student from school on a permanent basis or for a period of time determined by the Board. Expulsion denies the student attendance in any and all regular school programs/activities of the Colonial School District.

IN-SCHOOL SUSPENSION is the temporary placement of a student in a supervised area other than the area indicated by regularly assigned schedule.

IN-SCHOOL PENALTY is an appropriate disciplinary alternative within the resources of the school.

PARENT/GUARDIAN CONTACT/CONFERENCE is a contact by telephone, email or in person with a parent/guardian.

REFERRAL TO ALTERNATIVE PROGRAM is a short-term educational option for students whose behavior requires removal from the regular school program. Referral to an alternative program will be made according to procedures established through Regulation 616 of Delaware Code.

REFERRAL TO THE COURTS is the filing of a charge of an alleged illegal action with the court having jurisdiction.

REFERRAL TO POLICE AGENCIES is the reporting of an alleged illegal act to a law enforcement agency.

REFERRAL TO SOCIAL SERVICES AGENCIES is a recommendation that the student seek help from a public or private social agency.

REMOVAL FROM CLASS

A. Teacher

A teacher may remove a student from class for the remainder of the class period when the student's conduct is seriously disruptive and informal resolution is impractical. Exclusion may not exceed one class period. The student must be escorted to a supervised area designated by the administrator/designee.

B. Administrator

An administrator/designee may temporarily remove a student from class if the student's continued attendance in a particular class causes serious disruption of the educational process or presents immediate danger of physical harm to either the student or others. The student will be assigned to a supervised area. Removal from class by an administrator shall not exceed five (5) days. However, a student may be permanently removed from a particular class after repeated infractions.

REPRIMAND is a verbal or written warning that behavior is not acceptable.

Reparation is the repairing of relationships after a conflict between students or between students and teacher/staff member.

RESTITUTION/RESTORATION is the payment for and/or restoring of school/district property or articles which have been damaged, lost, or stolen.

OUT-OF-SCHOOL SUSPENSION is a student's temporary exclusion from regular school attendance and activities by an administrator. Principals and Assistant Principals may suspend a student for up to five (5) days. The Superintendent or designee may extend the suspension for serious infractions or while a student awaits an expulsion hearing. While serving an out-of-school suspension a student is forbidden from being on the property of the Colonial School District for any reason unless accompanied to a pre-arranged appointment by a parent or guardian. Suspended students are also prohibited from participating in any curricular or, co-curricular activities held at the school or any other school.

WORK ASSIGNMENT is an assigned task which must be completed by the student. The time required should not exceed five (5) hours and should be related to the severity of the offense.

GLOSSARY RELATED TO DRUGS AND ALCOHOL

ALCOHOL means alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine, and beer.

DRUG means any controlled substance or counterfeit substance as defined in Chapter 47 of Title 16 of the Delaware Code, including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.

DRUG PARAPHERNALIA means all equipment, products, and materials as defined in section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons, and containers for packaging drugs.

PRESCRIPTION DRUGS means any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Delaware Code, sec. 4701 (24), while acting in the course of his or her professional practice and which is specifically intended for the student in whose possession it is found.

DRUG-LIKE SUBSTANCE means any non-controlled and/or non-prescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over-the-counter cough medicines, certain types of glue, and caffeine pills.

NON-PRESCRIPTION MEDICATION means any over-the-counter medication; some of these medications may be a “drug-like substance.”

LOOK-ALIKE SUBSTANCE means any non-controlled substance which is packaged as to appear to be a drug, alcohol, or drug-like substance or about which a student makes an express or implied representation that the substance is a drug or non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See Delaware Code, sec. 4752A.

POSSESS, POSSESSING, OR POSSESSION means that a student has on his/her person, in his/her belongings, or under his/her reasonable control by placement of and knowledge of the whereabouts alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia. Items found in a student’s locker, automobile, purse, book bag, or similar container used to carry books or personal property are considered in the possession of the owner of the vehicle or container or the student who is assigned that locker. Electronic and cig (vaped) products are prohibited.

USE means that a student is reasonably known to have ingested, smoked, or otherwise assimilated alcohol, a drug, or a drug-like substance or is reasonably found to be under the influence of such a substance.

DISTRIBUTE, DISTRIBUTING, OR DISTRIBUTION means the transfer or attempted transfer of alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.

SCHOOL ENVIRONMENT means within or on school property and/or at school-sanctioned or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at extra-curricular activities held on/off school grounds, on field trips, and at functions held at the school in the evening.

CHAPTER VI

VIOLATIONS AND DISCIPLINARY ACTIONS

THE LIST IS NOT ALL INCLUSIVE, AND A STUDENT COMMITTING AN ACT OF MISCONDUCT NOT LISTED WILL STILL BE SUBJECT TO THE AUTHORITY OF THE PRINCIPAL OR DESIGNEE. SERIOUS OR EXCESSIVE BEHAVIOR WHICH NECESSITATES A MORE SEVERE DISCIPLINARY ACTION THAN THAT REQUIRED OR OPTIONAL UNDER THE FOLLOWING DISCIPLINARY ACTIONS SHALL BE SUBJECT TO THE DISCRETIONARY AUTHORITY OF THE PRINCIPAL UP TO AND INCLUDING A RECOMMENDATION FOR EXPULSION.

When establishing disciplinary action to be taken, the first priority shall be those that are required action(s).

When selecting appropriate disciplinary actions from among those listed under "Optional," the administrator or designee may select one or more of the actions listed in addition to implementing those which are required. Multiple offenses may be treated under the more severe penalties listed under subsequent violations.

ABUSIVE LANGUAGE: (S0301 OR S0011) - Written or spoken language that is offensive, obscene, or vulgar and that is observed or heard by students, staff, or patrons.

FIRST VIOLATION REQUIRED:	SUBSEQUENT VIOLATIONS REQUIRED:
<ul style="list-style-type: none">• Reprimand• Restorative Conversation/Conference	<ul style="list-style-type: none">• Parent/Legal Guardian Contact/Conference• Reprimand• Restorative Conversation/Conference
<u>OPTIONAL:</u>	<u>OPTIONAL:</u>
<ul style="list-style-type: none">• Parent/Legal Guardian Contact/Conference• Removal from class• Detention• Disciplinary Agreement• Restitution/Restoration• In-School Suspension• Out-of-School Suspension	<ul style="list-style-type: none">• Removal from class• Detention• Disciplinary Agreement• Restitution/Restoration• In-School Suspension• Out-of-School Suspension

ACADEMIC CHEATING: (S0141) - The act or instance of fraudulent deception in preparing or presenting course work or class assignments as a student's own authentic work when it is not. This includes, but is not limited to (1) copying another student's paper, (2) unauthorized use of notes or sharing answers during a test or examination, (3) presenting another person's work as one's own, (4) presenting quotations, words, or ideas without proper references or credit (plagiarism).

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Grade Penalty for Specific Incident or Act • Reprimand • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • In-School Suspension • Out-of-School Suspension • Referral to School Counselor 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Grade Penalty for Specific Incident or Act • Referral to Counselor • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out of School Suspension • Behavior Contract • In-School Suspension

ARSON/RECKLESS BURNING: (C0133, C0134, S0152) - Recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury. It includes attempts to burn on school property. District buildings or their contents, or personal property.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Out-of-School Suspension • Referral to Police/Fire Agency and/or the Courts • Parent/Legal Guardian Contact/Conference • Restitution/Restoration <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral to Social Services Agencies • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police/Fire Agency and/or the Courts • Referral for Alternative Placement Meeting <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Recommendation for Expulsion

ASSAULT III/AGGRAVATED ASSAULT: (C0201, C0106, or C0107) - (1) Any person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or Dangerous Instrument.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Out-of-School Suspension • Referral to Police Agency and/or the Courts (Grades 4-12) • Restitution/Restoration <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Behavior Contract • Referral to Social Services Agencies • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police Agency and/or the Courts (Grades 4-12) <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Recommendation for Expulsion • Behavior Contract • Referral to Social Services Agencies • Referral for Alternative Placement Meeting

ASSAULT OF AN EMPLOYEE BY A STUDENT: (C0201, C0106, or C0107) - A deliberate or spontaneous physical attack on an employee by a student resulting in an assault charge.

ANY VIOLATION

REQUIRED:

- Reprimand
- Out-of-School Suspension
- Parent/Legal Guardian Contact/Conference
- Restitution/Restoration
- Behavior Contract
- Referral to Police Agency and/or the Courts
- Recommendation for Expulsion

ATTEMPTED RAPE OR RAPE: (C0301, C0120-C0128) - Forced sexual contact without consent of the victim. It includes sexual intercourse and attempted sexual intercourse without the consent of the victim in both cases.

ANY VIOLATION

REQUIRED:

- Reprimand
- Parent/Legal Guardian Contact/Conference
- Out-of-School Suspension
- Restitution/Restoration
- Referral to Police Agency and/or the Courts
- Recommendation for Expulsion

ATTORNEY GENERAL'S REPORT AND/OR OUT-OF-SCHOOL CONDUCT: (S0161) - 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.

The Code of Conduct shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students and/or staff. Such out-of-school conduct shall include, but is not limited to:

- acts of violence which are punishable by law;
- sexual offenses which are punishable by law;
- felony charges; and
- the sale, transfer, or possession of drugs which would constitute an offense punishable by law.

Note: A student who is found to possess drugs out of school for personal use only and who enters and successfully finishes a drug counseling/treatment program will not be disciplined under the Code of Conduct.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Out-of-School Suspension • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Out-of-School Suspension • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

BREAKING AND ENTERING: (S0272) - 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.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Referral to Police Agency and/or the Courts • Restitution/Restoration • Out-of-School Suspension • Referral to Social Services Agencies <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Referral to Social Services Agencies • Behavior Contract <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion

BULLYING/CYBERBULLYING: (D0701)

Bullying – 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.

Cyberbullying – 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.

See Sections 4112D, 4123A, SB193 of Title 14 or the Delaware Code, DEDOE. Regulations 624, and within the Colonial School District's Board Policy #216. This policy may be found on the Colonial School District's website: www.colonial.k12.de.us.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none">• Parent/Legal Guardian Contact/Conference• Referral to School Counselor• Document in eSchool <u>OPTIONAL:</u> <ul style="list-style-type: none">• In-School Penalty• Removal from class• Disciplinary Agreement• In-School Suspension• Out-of-School Suspension	<u>REQUIRED:</u> <ul style="list-style-type: none">• Parent/Legal Guardian Contact/Conference• Out-of-School Suspension• Document in eSchool <u>OPTIONAL:</u> <ul style="list-style-type: none">• Removal from class• Behavior Contract• Referral for Alternative Placement Meeting• Out-of-School Suspension• Recommendation for Expulsion

DANGEROUS INSTRUMENT(S) POSSESSION/CONCEALMENT/SALE: *The unauthorized 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. It includes possessing or concealing articles commonly used or designated to inflict bodily harm or to intimidate other persons (look-alike and non-functional weapons are included) or using in an aggressive manner articles commonly designated for other purposes. For example, razor blades or knives of any size are strictly prohibited. The presence of a weapon in a student's locker, automobile, purse, book bag, or similar container is considered to be possession by the student.*

DEADLY WEAPON(S) POSSESSION/CONCEALMENT/SALE: *The possession, concealment, or sale of a deadly weapon in the school environment. It includes possessing or concealing articles commonly used or designated to inflict bodily harm or to intimidate other persons (look-alike and non-functional weapons are included) or using in an aggressive manner articles commonly designated for other purposes, or which is used, or attempted to be used, to cause death or serious physical injury. For example, razor blades or knives of any size are strictly prohibited. The presence of a weapon in a student's locker, automobile, purse, book bag, or similar container is considered to be possession by that student.*

GUN FREE SCHOOLS VIOLATION: *The prohibited bringing to school, or possession while in school of a firearm by a student.*

(C0601-C0616, C0618-C0621, C0623-C0626)

Under the revision to Delaware Code, Title 11, section 1457, mandatory expulsion is required for possession of a firearm. The local school board, may on a case by case basis, modify terms of the expulsion. Non-firearm deadly weapon offenses may result in a suspension for at least 30 days. The local school board, may on a case by case basis, modify terms of the suspension.

ANY VIOLATION
<u>REQUIRED:</u>
<ul style="list-style-type: none"> • Confiscation/Locker Search • Out-of-School Suspension • Parent/Legal Guardian Contact/Conference • Referral to Police Agency and/or the Courts • Restitution/Restoration • Restorative Conversations/Conference • Behavior Contract
<u>OPTIONAL:</u>
<ul style="list-style-type: none"> • Denial of Bus Transportation • Referral for Alternative Placement Meeting • Recommendation for Expulsion

DEFIANCE OF SCHOOL PERSONNEL'S AUTHORITY: (S0081 or S0082) - (1) 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 (2) 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.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • In-School Penalty • Removal from Class 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • In-School Suspension • Reprimand <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Removal from Class • Work Assignment • Behavior Contract • Referral for Alternative Placement Meeting

DISORDERLY CONDUCT AND/OR GENERAL DISRUPTION OF THE ORDERLY EDUCATIONAL PROCESS: (S0091) - 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. It includes behavior which disrupts any school activity or the orderly operation of the school, e.g. boycotts, sit-ins, walk-outs, property damage, etc. In addition, State law requires that any person who disturbs a school in session or willfully destroys school property shall be fined \$20 or imprisoned not more than 30 days or both.

FIRST VIOLATION REQUIRED:	SUBSEQUENT VIOLATIONS REQUIRED:
<ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration <u>OPTIONAL:</u> <ul style="list-style-type: none"> • In-School Suspension • In-School Penalty • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Disciplinary Agreement 	<ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral to Police Agency and/or the Courts • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

DISRUPTION ON THE SCHOOL BUS: (S0171) - Any misconduct on the school bus, disrespect to the driver, or vandalism to the bus (SEE BUS REGULATIONS: APPENDIX C)

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Reprimand • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Detention • Disciplinary Agreement • Denial of Bus Transportation • Referral to Police Agency and/or the Courts • Out-of-School Suspension • In-School Suspension • In-School Penalty 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Reprimand • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Denial of Bus Transportation • Detention • Disciplinary Agreement • In-School Suspension • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Behavior Contract

**DISTRIBUTION OF DRUGS AND/OR ALCOHOL AND/OR DRUG
PARAPHERNALIA; USE AND/OR POSSESSION OF A DRUG AND/OR ALCOHOL
AND/OR DRUG PARAPHERNALIA; INCLUDING INHALANT; MEDICATIONS;
INAPPROPRIATE USE OR POSSESSION: (C0701-C0713, D0501, D1201, D1301)**

The sale, transfer, or distribution in school, on school property, or on school field trip events, functions of drugs or alcohol or 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. Possessing or using nonprescription drugs of any type in the School environment in violation of 14 DE Admin. Code 612. This includes the illegal use of steroids.

It includes the possession, use and/or distribution of or intent to possess, sell, transfer, or purchase alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia. Being under the influence of alcohol, drugs, or illegal substances is considered possession. The presence of alcohol, drugs, or any illegal substance in a student's locker, automobile, purse, book bag, or similar container is considered to be possession by that student.

**ANY VIOLATION
REQUIRED (ALL INCIDENTS):**

- Confiscation/Locker Search
- Reprimand
- Parent/Legal Guardian
Contact/Conference
- Out-of-School Suspension
- Referral to Police Agency and/or the
Courts
- Recommendation to Social Service
Agencies to involve student and parents
in approved Intervention or Recovery
Program(s)
- Referral for Alternative Placement
Meeting
- Restorative Conversation/Conference

OPTIONAL

- Recommendation for Expulsion

EXPLOSIVES: (C0622) - Possession or detonation of incendiary devices, explosives, or any other items which may result in fire, burns, explosions or noxious fumes and odors or have the potential of causing injury, harm, damage or disruption (examples: firecrackers, poppers, smoke bombs, caps, flares, flash paper, fireworks, sparklers, ammunition/bullets, etc.)

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Confiscation • Parent/Legal Guardian Contact/Conference • Referral to Police and or Court (if item is illegal or used to cause harm) • Out-of-School suspension • Restitution/Restoration • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • In-School Penalty • In-School Suspension • Out-of-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Conference • Restitution/Restoration • Referral to Police and/or Court (if item is illegal or used to cause harm) • Out-of-School Suspension <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion

EXTORTION: (C0141) - To obtain or attempt to obtain money, goods, services, or information from another by force or threat of force.

<p style="text-align: center;">Elementary FIRST VIOLATION</p> <p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Referral to Police Agency and/or Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension • In-School Penalty • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Referral to Social Services Agencies • Behavior Contract 	<p style="text-align: center;">Elementary SUBSEQUENT VIOLATIONS</p> <p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Refer to Police Agency and/or the Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral to Social Services Agencies • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion
<p style="text-align: center;">Secondary FIRST VIOLATION</p> <p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police Agency and/or Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • In-School Penalty • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Referral to Social Services Agencies • Behavior Contract 	<p style="text-align: center;">Secondary SUBSEQUENT VIOLATIONS</p> <p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Refer to Police Agency and/or the Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral to Social Services Agencies • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

FALSE FIRE ALARM (S0151)/BOMB THREAT/TAMPERING WITH FIRE/OTHER SAFETY DEVICES: *Making a “Bomb Threat,” activating a fire alarm or initiating any false alarm which disrupts school activity or the orderly operation of the school or classroom. Students are strictly prohibited from tampering with or using any fire or other life safety devices such as fire extinguishers, emergency lights, fire drill instructions, building exit signs, etc. In addition, State law requires that any person convicted of making a false statement knowing the statement is likely to cause evacuation of a school or place of assembly or cause serious inconvenience shall, in addition to a possible prison sentence of up to 3 years for those 18 or older, and up to 1 year for those 17 or younger, be fined \$1,000 to \$2,500 and be required to perform a minimum of 100 hours of community service.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Referral to Police and/or Fire Marshal • State Report Form Completed <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • In-School Suspension • In-School Penalty • Out-of-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Referral to Police and/or Fire Marshal • State Report Form Completed • Out-of-School Suspension <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion

FELONY THEFT (\$1,500 OR MORE): (D0601) - (1) When a person takes, exercises control over, or obtains property of another person intending to deprive that person of it or appropriate it; or (2) 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 \$1,500 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.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Restitution/Restoration <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p><u>REQUIRED</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police Agency • Referral for Alternative Placement Meeting <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Recommendation for Expulsion

FIGHTING: (D1101) - Aggressive physical altercation between two or more individuals.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral to Police Agency and/or the Courts • In-School Penalty • Disciplinary Agreement • In-School Suspension • Denial of Bus Transportation • Out-of-School Suspension • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Denial of Bus Transportation • Referral to Social Service Agencies • Referral to Police Agency and/or the Courts • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

FORGERY: (S0321 or S0322) - Falsely or fraudulently signing or altering a document such as Hall Passes, Early Dismissal Notes, Progress Reports, Absence Excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself to others
TAMPERING WITH PUBLIC RECORDS: Knowingly without valid authorization removing, mutilating, destroying, concealing, making a false entry in or falsely altering any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Reprimand • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Behavior Contract • In-School Suspension • In-School Penalty • Out-of-School Suspension • Referral to Police and/or Court 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Behavior Contract <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Referral to Police and/or Court • Recommendation for Expulsion

GAMBLING: (S0241) - Participation in games of chance for money and/or other things of value.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Removal from Class • Detention • Disciplinary Agreement • In-School Suspension • Referral to Police Agency and/or the Courts 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral to Police Agency and/or the Courts • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

GENERAL SCHOOL/CLASSROOM DISRUPTION: (S0091) - Behavior which produces distractions, frictions, or disturbances which seriously or repeatedly interfere with the effective functioning of the teacher, student, class, or school.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Removal from Class • In-School Penalty • Detention • Work Assignment • Restitution/Restoration • In-School Suspension 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Removal from Class (as appropriate to classroom disruption) <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Disciplinary Agreement • Work Assignment • In-School Suspension • Out-of-School Suspension • Detention • Disciplinary Agreement

HARASSMENT: (S0104, S0105, D1001) - Any actions or statements made with the intent to harass, annoy, or alarm another person which: (1) insults, taunts, or challenges the other person; or (2) is a cause of alarming or distressing conduct which serves no legitimate purpose and is done in a manner which the actor knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

It includes actions or statements (spoken or written) which intimidates, offends, or defames the dignity or self-esteem of individuals or groups, including bullying. Sexual harassment is also included in this prohibition and includes unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature. Harassment may include, but is not limited to, displaying pictures or other items of a sexually explicit nature, verbal harassment or abuse, pressure for sexual activity, hazing, repeated remarks or jokes with demeaning implications, negative comments/behavior against another's sexual orientation/preference, or other inappropriate/offensive behavior.

FIRST VIOLATION <u>REQUIRED:</u>	SUBSEQUENT VIOLATIONS <u>REQUIRED:</u>
<ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Reprimand • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Behavior Contract • In-School Suspension • In-School Penalty • Out-of-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Referral to Police Agency and/or the Courts 	<ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Reprimand • Out-of-School Suspension • Behavior Contract • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Referral to Police Agency and/or the Courts •

INFLAMMATORY ACTIONS: (S0091) *Language, gestures, or actions which create or which might create a disturbance.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Removal from Class • In-School Penalty • Detention (grades 6 - 12) • Disciplinary Agreement • Restitution/Restoration • In-School Suspension • Out-of-School Suspension 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Reprimand • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Removal from Class • In-School Penalty • Detention (grades 6 - 12) • Disciplinary Agreement • Restitution/Restoration • In-School Suspension • Out-of-School Suspension

LOITERING: (S0071) *A student's unauthorized presence in any school area.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Restorative Conversation/Conference • Parent/Legal Guardian Contact/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • In-School Penalty • Disciplinary Agreement • In-School Suspension 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference • Disciplinary Agreement <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Detention (grades 6 – 12) • In-School Suspension • Out-of-School Suspension with District Approval • Referral for Alternative Placement

MISUSE OF TECHNOLOGY: (S0181) - Any use of school technology for unauthorized purposes such as, but not limited to, copying software; inappropriate internet or email usage; loading unauthorized software on a hard drive; tampering with databases, passwords, or configurations; or any unauthorized alteration or deletion of files. Also includes the use of school technology equipment in: soliciting, using, receiving or sending pornographic or obscene material; or accessing unauthorized email; or the authorized downloading and/or installing of files; or intentionally damaging technology equipment in the school environment; or a situation in which a student deliberately 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.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Detention • Behavior Contract • In-School Suspension • In-School Penalty • Out-of-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Loss of Computer Use Privileges • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Detention • Behavior Contract • In-School Suspension • Out-of-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion

OFFENSIVE TOUCHING: (D0801) - *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.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Disciplinary Agreement • In-School Suspension • In-School Penalty • Referral for Alternative Placement Meeting 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Behavior Contract • Referral for Alternative Placement Meeting • Referral to Police Agency and/or the Courts • Recommendation for Expulsion • Out-of-School Suspension

OFFENSIVE TOUCHING OF AN EMPLOYEE BY A STUDENT: (D0802) - A deliberate or spontaneous physical touching, bumping, or hitting of an employee by a student done in an intimidating, provoking, abusive, alarming, or endangering manner.

<p>FIRST VIOLATION <u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Restorative Conversation/Conference • Parent/Legal Guardian Contact/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Behavior Contract • Restitution/Restoration if Appropriate 	<p>SUBSEQUENT VIOLATIONS <u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Restorative Conversation/Conference • Parent/Legal Guardian Contact/Conference • Referral to School Based Team <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Restitution/Restoration • Referral for Alternative Placement Meeting • Recommendation for Expulsion
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PERSONAL INTIMACY ACTS: (S0108, D0101) Hugging, kissing, or other acts of affection or intimacy inappropriate to an educational setting. This includes the possession, display, or use of pornographic material.

<p>FIRST VIOLATION <u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • In-School Penalty • In-School Suspension • Out-of-School Suspension 	<p>SUBSEQUENT VIOLATIONS <u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • In-School Suspension <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension
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PORNOGRAPHY: (D0101) - The possession, sharing, or production of any known obscene material in the school environment. (See "Sexual Assault," "Unlawful Sexual Contact III" and "Indecent Proposition/Exposure")

RECKLESS DRIVING: (S0121 or S0122) - Driving any vehicle on school property or while under the jurisdiction of school authority with disregard for the safety of persons and/or property.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Denial of Driving Privileges <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Disciplinary Agreement • In-School Suspension • Out-of-School Suspension • Referral to Police Agency and/or the Courts 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police Agency and/or the Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

SEXUAL ASSAULT, UNLAWFUL SEXUAL CONTACT III, INDECENT PROPOSITION/EXPOSURE, SEXUAL MISCONDUCT: (S0105, C0301, C0120-C0128)

Sexual Assault – 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 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.

Unlawful Sexual Contact III – 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.

Indecent Proposition/Exposure - It includes any solicited or unsolicited sexual behavior and/or proposal.

Sexual Misconduct- Consensual sexual act(s) between two individuals within the school environment.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension (Grades 6-12) <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Out-of-School Suspension (Grades PK- 5) • Referral to Police Agency and/or the Courts 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Referral to Police Agency and/or the Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral to Social Services Agency • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

STEALING/ROBBERY: (S0111, C0137, C0138) - Taking, exercising control over, or obtaining property of another person intending to deprive that person of it or appropriate it. It includes the act of taking, possessing, or transferring the property of another without consent of the owner, or the taking of personal property in the possession of another against his/her will, accompanied by means of force or fear.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Confiscation/Locker Search • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension (Grades 6-12) <p><u>OPTIONAL</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension (Grades PK-5) • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Referral to Police Agency and/or the Courts 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Confiscation/Locker Search • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral to Police Agency and/or the Courts • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

TEEN DATING VIOLENCE: (D2011) - 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. (See “Harassment”)

<p>FIRST VIOLATION REQUIRED:</p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Reprimand • Restorative Conversation/Conference • Referral to Counselor <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Behavior Contract • In-School Suspension • In-School Penalty • Out-of-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p>SUBSEQUENT VIOLATIONS REQUIRED:</p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Reprimand • Out-of-School Suspension • Behavior Contract • Restorative Conversation/Conference • Referral to Counselor <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion
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TERRORISTIC THREATENING: (D0901 or D0902) - (1) A person threatens to commit any crime likely to result in death or in serious injury to person or property; or (2) 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.

TERRORISTIC THREATENING – SECURITY THREAT: (D0901 or D0902) - 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.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension • Behavior Contract • In-School Suspension • Detention • In-School Penalty • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Restorative Conversation/Conference • Behavior Contract <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Out-of-School Suspension • In-School Suspension • Referral for Alternative Placement Meeting • Recommendation for Expulsion

TERRORISTIC THREATENING OF EMPLOYEE BY A STUDENT: (D0901) - A threat or attempt to injure or do bodily harm to a district employee with or without physical contact.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Restitution/Restoration • Referral to Police Agency and/or Courts • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Behavior Contract • Recommendation for Expulsion 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Restitution/Restoration • Referral to Police Agency and/or Courts • Behavior Contract • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Removal from Class

TOBACCO/TOBACCO PRODUCTS: (D1401) - To possess, use, dispense, transfer, or sell tobacco or tobacco products, including e-cigarette products (i.e., hookah pens, vaped cigs, and the like).

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Confiscation/Locker Search • Parent/Legal Guardian Contact/Conference • Reprimand • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • In-School Suspension • Out-of-School Suspension • Detention • Referral to Counselor 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Confiscation/Locker Search • Parent/Legal Guardian Contact/Conference • Reprimand • Restorative Conversation/Conference • Referral to Counselor <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Out-of-School Suspension

TRESPASSING: (S0271) - *The action by a student, including suspended or expelled students, of being inside or on the property of a public school, not having a legitimate reason for being there, and not having written permission from anyone authorized to grant such permission.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Written Reprimand and Warning 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact • Out-of-School Suspension • Referral to Police Agency and/or the Courts <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Referral for Alternative Placement Meeting • Recommendation for Expulsion

TRUANCY AND CLASS CUTTING: (S0021) - *Absence without authorization or approved reason from school or class. Schools will follow the state law (Delaware Code, Title 14, §§2702-2733 Delaware Department of Education Administrative Regulation 615), House Bill 24, and Colonial School District's Board Policy #201 in regard to mandatory letters, conferences, home visits, and legal charges related to truancy. The Colonial School District's Board Policy may be found on our website: www.colonial.k12.de.us.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<u>REQUIRED:</u> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Disciplinary Agreement • In-School Suspension 	<u>REQUIRED:</u> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Disciplinary Agreement • Reprimand <u>OPTIONAL:</u> <ul style="list-style-type: none"> • Detention (gr. 6 – 12) • In-School Suspension • Out-of-School Suspension with District approval • Referral to the Courts • Referral for Alternative Placement Meeting

UNAUTHORIZED USE OF COMMUNICATION DEVICES/CELL PHONES: (S0312 or S0311) - The use of communications devices such as, but not limited to, cell phones and electronic pagers, are generally prohibited in certain areas of the school environment. The unauthorized possession, and/or use of such communication devices and other devices that may be disruptive to the educational process are prohibited. Possession is defined as the display or use of such a device in an unauthorized area or during an unauthorized time in the school setting.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Confiscation (temporary) • In-School Suspension • Out-of-School Suspension 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Out-of-School Suspension • Confiscation <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion • Out-of-School Suspension • Confiscation (temporary)

VANDALISM/CRIMINAL MISCHIEF: (D0301) - 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. It includes the willful or malicious destruction or defacing of school/District property or the property of others. In addition, State law requires that any person who disturbs a school in session or willfully destroys school property shall be fined \$20 or imprisoned not more than 30 days or both.

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Reprimand • Parent/Legal Guardian Contact/Conference • Restitution/Restoration <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Disciplinary Agreement • Work Assignment • In-School Suspension • Denial of Bus Transportation • Out-of-School Suspension • Referral to Police Agency and/or the Courts • Behavior Contract 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restitution/Restoration • Out-of-School Suspension • Referral to Police Agency and/or the Courts <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Work Assignment • Denial of Bus Transportation • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

VIOLATION OF BEHAVIOR CONTRACT: (S0103) - *The failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.*

REPEATED VIOLATIONS OF THE STUDENT CODE OF CONDUCT: (S0333)-*The failure of a student to comply with the provisions of any behavior contract between the student, his/her legal guardian, and the school.*

CONSPIRACY TO VIOLATE THE STUDENT CODE OF CONDUCT: *When two or more persons (students or non-students) conspire together to commit an offense which violates the law or Student Code of Conduct. This violation applies even if a student does not actually commit an offense but simply conspires or participates in planning/plotting the violation of the law or Code of Conduct.*

FIRST VIOLATION	SUBSEQUENT VIOLATIONS
<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Reprimand • Restitution/Restoration • Referral to Counselor • In-School Penalty • In-School Suspension • Out-of-School Suspension • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion 	<p><u>REQUIRED:</u></p> <ul style="list-style-type: none"> • Parent/Legal Guardian Contact/Conference • Reprimand • Restorative Conversation/Conference <p><u>OPTIONAL:</u></p> <ul style="list-style-type: none"> • Restitution/Restoration • In-School Suspension • Out-of-School Suspension • Behavior Contract • Referral for Alternative Placement Meeting • Recommendation for Expulsion

Following the fourth (4th) out-of-school suspension in any one school year, the student must be brought up to the School Based Team for further review and intervention.

A Behavior Contract is a written agreement of conditions to be met by the student which, if broken, may result in a recommendation for expulsion or referral for alternative placement meeting. Such agreement is made by the student and parent(s) with the administration of the school in which the student is enrolled.

Prior to declaring a Behavior Contract violated, the building administration may ask for a review by the Superintendent or designee to determine the appropriate course of action for the student.

The Board of Education shall be notified of all recommendations for expulsion.

ADOPTED BY BOARD OF EDUCATION

AUGUST 4, 1981

REVISED:

JUNE 1982
AUGUST 1985
JUNE 1986
JULY 1990
JULY 1991
JANUARY 1993
JUNE 1993
JANUARY 1994
AUGUST 1994
MARCH 1995
JULY 1995
FEBRUARY 1996
AUGUST 2014
JULY 2015
JULY 2016
JULY 2017
JULY 2018
JULY 2021

EDITED:

JULY 1998
JULY 1999
JULY 2000
JULY 2001
JULY 2002
JULY 2003
JULY 2004
JULY 2005
JULY 2006
JULY 2007
FEBRUARY 2008
JULY 2008
JULY 2009
JULY 2010
JULY 2011
JULY 2012
AUGUST 2014
JULY 2015
JULY 2016
JULY 2017
JULY 2018
JULY 2019
MAY 2020
JUNE 2022

APPENDIX A

SCHOOL POLICE RELATIONSHIPS

To insure that both students and parents are aware of the required relationship between the school and the police agencies, the following excerpts are provided from the Memorandum of Agreement between the Board of Education of the Colonial School District and Law Enforcement Agencies in New Castle County. The text of the complete agreement will be provided upon request to the School District Office.

School officials are charged with the responsibility to provide for the safety of students and for the security of school property. School officials shall report promptly evidence of criminal offenses which occur in the school environment, including incidents which occur on school buses and during any school function whether on or off school property. Additionally, evidence of those crimes which have occurred outside the school environment but which come to the attention of school authorities should be reported. The Delaware Code mandates reporting of the offenses listed in 14 Del. C., section 4112; a substantial fine can be assessed against any superintendent, principal, or school employee who fails to make such a mandatory report.

Crimes for which police reports are mandated by law are the following:

1. Violent felony, Assault III, Unlawful Sexual Conduct III committed by anyone against a student or school volunteer on school property or at school function
2. Violent felony, Assault III, Unlawful Sexual Conduct III committed by anyone against a school employee on school property or at school function
3. Possession of a controlled substance or possession of a weapon or dangerous instrument by anyone on school property or at school function

In addition to the offenses listed in Section A above, the Colonial School District requires police notification of the following offenses when committed by students on school property or at a school function. This list is not all-inclusive. Other incidents of a potentially serious or violent nature must also be reported.

- Arson
- Attempted rape or rape
- Breaking and entering
- Extortion
- Indecent proposition/exposure (2nd offense)
- Reckless driving (2nd offense)
- Robbery

- Trespassing (2nd offense)
- Vandalism (2nd offense)

FILING OF CHARGES

In any instance in which a student, parent, or guardian is found to have committed an assault, offensive touching, terroristic threatening, or an extortion under 14 Del. C., section 4112(b) against a school employee, the Superintendent or his designee shall, without unreasonable delay, file the appropriate charge against the student, parent, or guardian.

APPENDIX B

COLONIAL SCHOOL DISTRICT ATTENDANCE POLICY

All students are expected to attend school each day that it is in operation during the regular school year unless properly excused in accordance with state regulations.

Excuses recognized as valid are the following:

- Illness of the student (including physical, behavioral, and mental health symptoms)
- Medical diagnosis and/or treatment for physical, social, emotional, behavioral wellness, and mental health conditions.
- Death in the immediate family; funerals of other relatives or close friends, not to exceed one day if in the locality or three days if outside the state
- Contagious disease in the home of the child subject to regulations of the Division of Public Health, Department of Health and Social Services
- Legal business requiring the student's presence
- Suspension or expulsion from school
- Observance of religious holidays
- Approved college visits
- Authorized school-sponsored activities
- Attendance at one civic engagement per school year (Grade 6-12 only)
- In addition, the Superintendent or designee shall have the authority to approve other absences.

In addition, the Superintendent or designee shall have the authority to approve other absences. For any absences, students are required to present a written excuse signed by a parent/guardian. Such excuses shall be kept on file in the school for the current school year. A physician's validation may be required at any time. Parents/guardians of such students may be subject to legal penalties under the Delaware Code. Schools will take action regarding unexcused absences including, but not limited to, written communications, home visits, required parent/guardian conferences, and referral of the parent and/or student for prosecution.

Students shall have the opportunity to make up schoolwork missed during all absences and extend suspensions except for absences due to expulsion. Since attendance is closely related to achievement, schools will make reasonable attempts to contact parents/guardians regarding absences and will call upon whatever resources are available within the school district and the community to ensure good attendance.

Official notice concerning cumulative absences will be given to parents/guardians periodically; at a minimal level, such notice shall accompany report cards.

APPENDIX C

TRANSPORTATION CONDUCT OF PUPILS

The following rules can be enforced only with the cooperation of every person concerned with transportation. Observance of these rules will insure safety, prompt arrivals and departures of buses, and proper attitudes on the part of pupils. Good citizenship will be promoted. Violations of these rules may result in the suspension of bus riding privileges.

- A. Pupils must obey the driver promptly and be courteous to him/her and to fellow pupils. The driver is in full charge of the bus and pupils and has the authority of a classroom teacher.
- B. Pupils must be on time. The bus has to run on schedule and cannot wait for those who are tardy.
- C. Pupils should never stand or play on the roadway while waiting for the bus.
- D. Before boarding the bus, pupils must keep a safe distance from it while it is in motion.
- E. Pupils must enter the bus without crowding or disturbing others and occupy their seats immediately.
- F. Pupils must not try to get on or off the bus when it is in motion. When on the bus they must remain seated until the bus comes to a complete stop.
- G. Pupils must keep out of the driver's seat and remember that unnecessary conversation with the driver is prohibited while the bus is in motion.
- H. Pupils must follow all highway safety practices in accordance with Delaware laws. They must walk on the left side of the road facing traffic when going to or from the bus or bus stop along the highway. Before crossing the road to board the bus or after being discharged from the bus, they are to cross only when traffic has come to a stop and the driver has given an audible clearance signal. They must cross in front of the bus far enough to be seen by the driver at all times.
- I. In crossing the street or highway at any time, pupils should look both to the right and to the left, then WALK – not run.
- J. Outside ordinary conversation in normal **a** tone, classroom conduct is to be observed when on the bus.
- K. Pupils must not call out to passersby. They should not open the bus windows without permission from the driver nor extend head or arms out of the windows.
- L. Pupils shall not leave the bus without the driver's consent, except on arrival at their regular bus stop or at school.

- M. Pupils should help to keep the bus clean, sanitary, and orderly. They must not damage or abuse the equipment.
- N. Pupils are not permitted to smoke while on the bus.
- O. Pupils must not use profanity while on the bus.
- P. Pupils must not throw articles of any kind in, out, or around the bus.
- Q. Pupils are not to eat or drink while on the bus.
- R. Other forms of misconduct that will not be tolerated are acts such as, but not limited to, indecent exposure, obscene gestures, and spitting.
- S. Pupils are to conduct themselves while on the bus in such a way that it will not distract the driver from his or her job of driving.

APPENDIX D

Suicide Prevention Training

The Colonial School District recognizes the serious problem of youth suicide and acknowledges that providing this policy for schools and districts related to youth suicide recognition and prevention is very important. The District also acknowledges that youth suicide is a complex issue, which cannot be addressed by districts and schools alone. This Suicide Prevention Policy (Policy Number: 297) meets the requirements of 14 Del. C. 4142, relative to Suicide Prevention.

Suicide Prevention Training

Suicide Prevention Training for Public School Employees

Each public-school employee of the District shall participate in at least one combined training each year totaling ninety(90) minutes on suicide prevention. The training materials shall be evidence-based and developed and/or approved by the Department of Education, Department of Health and Social Services, and the Department of Services for Children, Youth and their Families. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. 1305(e).

Suicide Prevention Program

The District shall develop a Suicide Prevention Program. The components of the District's Suicide Prevention Program may vary to address the needs of different grade levels. Each school shall establish a committee that is responsible for coordinating suicide prevention program within the school. This can be addressed through a currently existing committee in the school.

Confidential and Anonymous Reporting

School staff shall follow the District "Crisis Intervention Procedures for Suicide Threats" to provide confidential and anonymous reporting of a student demonstrating the warning signs of suicide. The document outlining the process will be maintained by the principal or a staff member designated by the principal and a copy will be sent to the Student Services Office. At a minimum, any privacy rules shall be followed, including any applicable Family Educational Rights and Privacy (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) provisions.

Procedures for communication between school staff members and medical professionals who are involved in treating students for suicide issues.

For a student who has not reach the age of 18, Release of Information forms shall be signed by the parent, guardian, or relative caregiver in order for the primary care physician or healthcare professional to communicate with school personnel regarding any treatment of a student.

Notwithstanding the foregoing, communications between healthcare professionals and school staff regarding any treatment of a student may occur for any student 14 years or older who has provided consent for voluntary outpatient treatment in accordance with 16 DEL. C. 5003. In accordance with HIPAA and FERPA guidelines, releases shall be signed before communication may take place. Communications without signed releases in emergency situations may occur in accordance with HIPAA and FERPA regulations and guidelines.

- 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 student.
- Emergency evaluations can be obtained from hospital emergency departments; a licensed healthcare professional; a physician; or nurse practitioner; or from the state's Child Priority Response Mobile Crisis Service if the student is under 18 years of age, or from the Adult Mobile Crisis Service if the student is between the ages of 18-21.

Posting of Suicide Prevention Policy

The District shall post this Suicide Prevention Policy in all student and staff handbook(s) and on the District's website.

Retaliation Restrictions

No employee, school volunteer or student shall be retaliated against for reporting a student thought to be demonstrating the warning signs of suicide.

APPENDIX E

Civility in the Workplace

Expectations

- Civil behavior requires people to treat others respectfully and courteously.
- Employees and students are required and expected to treat each other and members of the public with respect, courtesy, and dignity.
- All members of the public are expected to interact and communicate with district employees and volunteers respectfully and courteously.
- Within the Colonial workplace, employees, volunteers, and members of the public are prohibited from using written or spoken obscenities; racial epithets; or any other rude, insulting, or demeaning language or non-verbal communication.

Violations

Employees, volunteers, or members of the public who believe that civility policy or procedures have been violated are urged to report the violation to an administrator. Reports will be investigated thoroughly, with regard to due process procedures and privacy rights. Appropriate administrative action will be taken if, after investigation, any employee, volunteer, or member of the public is found to have violated the civility policy. These actions could include but are not limited to various disciplinary actions, dismissal of a volunteer, or banning a member of the public from district property.

Employee Guidelines for Dealing with Uncivil Behavior

- Administrators shall instruct and guide employees and volunteers in the following should they encounter uncivil behavior:
- Remain calm—do not react uncivilly.
- Tell the person acting uncivilly that you are offended and ask him/her to behave or speak more courteously.
- If the language or behavior does not stop, tell him/her that you will give the individual time to calm down before continuing the meeting, conversation, phone call, etc.

- If the person does not calm down, offer to reschedule the meeting/conversation to another time and politely terminate the encounter.
- Immediately report the uncivil behavior to your immediate supervisor.
- If the person is physically threatening or aggressive, leave the area immediately and seek assistance.
- After the incident, take time to write down all you can about the incident including exact words and witnesses.

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COLONIAL'S SCHOOLS

School	Principal	Street Address	City, State, Zip	Phone Number
Carrie Downie Elementary	Kristina Lamia	1201 Delaware Street	New Castle, DE 19720	302-323-2926
Castle Hills Elementary	Kerri Campbell	502 Moores Lane	New Castle, DE 19720	302-323-2915
Colonial Virtual Program	Lindsay DiEmidio	200 E. Roosevelt Avenue	New Castle, DE 19720	302-323-2901
Colwyck Pre-K Center	Katrina Daniels	12 Landers Lane	New Castle, DE 19720	302-429-4085
Eisenberg Elementary	David Distler	27 Landers Lane	New Castle, DE 19720	302-429-4074
George Read Middle	Nicholas Wolfe	314 E. Basin Road	New Castle, DE 19720	302-323-2760
Gunning Bedford Middle	William Johnston	801 Cox Neck Road	New Castle, DE 19720	302-832-6280
Leach School	Virginia Schreppler, Ed.D.	10 Landers Lane	New Castle, DE 19720	302-429-4055
McCullough Middle	Hyacinth Lewis	20 Chase Avenue	New Castle, DE 19720	302-429-4000
New Castle Elementary	TeRay Ross	903 Delaware Street	New Castle, DE 19720	302-323-2880
Pleasantville Elementary	Renee Griffith	16 Pleasant Street	New Castle, DE 19720	302-323-2935
Southern Elementary	Richard Bryson, Jr.	795 Cox Neck Road	New Castle, DE 19720	302-832-6300
Wilbur Elementary	Beth Howell	4050 Wrangle Hill Road	Bear, DE 19701	302-832-6330
William Penn High	Lisa Brewington	713 E. Basin Road	New Castle, DE 19720	302-323-2800
Wilmington Manor Elementary	Lindsay DiEmidio	200 E. Roosevelt Avenue	New Castle, DE 19720	302-323-2901

COLONIAL'S ADMINISTRATIVE OFFICE

Main Number		302-323-2700	
Superintendent's Office	Jeffrey Menzer, Ed.D.	Superintendent	302-323-2710
	Nneka Jones, Ed.D.	Deputy Superintendent	302-323-2710
	Emily Falcon	Chief Operating and Financial Officer	302-323-2729
Human Resources	Holly Sage	Executive Director	302-323-2712
Curriculum and Instruction	Sherrie Clark	Director	302-323-2726
Health and Wellness	Jon Cooper, Ed.D.	Director	302-323-2872
Nutrition Services	Amanda Nask	Supervisor	302-323-2743
Director of Operations	Andrew Moffett	Director	302-323-2700
Schools Division	Jeffory Gibeault	Director	302-323-2716
	Janissa Nuneville	Director	302-323-2716
Student Services	Nicole Markey	Director	302-323-2872
Talent and Development	Jennifer Alexander, Ed.D.	Director	302-323-2712
Transportation	Marc Emerick	Supervisor	302-323-2851