



# Red Clay

## Consolidated School District

# STUDENT & FAMILY HANDBOOK

**Includes Student Code of Conduct (Chapter 6)**

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The Red Clay Consolidated School District Student & Family Handbook, approved by the Board of Education, provides information and direction to students and families regarding district services, operations, expectations of behavior, and consequences for violations. Families and students are encouraged to read and regularly review the Handbook to ensure a safe and productive school year.

## **NONDISCRIMINATION AND SECTION 504 NOTICE**

All parties, procedures, and policies of the Red Clay Consolidated School District shall clearly exemplify that there is no discrimination in the recruitment, employment, and subsequent placement, training, promotion, compensation, tenure, and all other terms and conditions of employment over which the Red Clay Consolidated School District Board of Education shall have jurisdiction, or in the educational programs and activities of students on the basis of race, creed, color, religion, national origin, age, sex, sexual orientation, domicile, marital status, handicap, genetic information, veteran status, or any legally protected characteristic. For Title IX inquiries, please contact Tawanda Bond, Ed.D., Director of Equity and Strategic Partnerships, at 302.552.3722. For Section 504 inquiries, please contact Sarah Celestin, Ed.D., Director of Special Services, at 302.552.7778.

# Table of Contents

<b>Introduction</b>	<b>5</b>
Editorial Note	5
Student Handbook Contacts	5
Complaints	5
State of Delaware Ombudsman	6
Education for Children and Youth Experiencing Homelessness	6
Red Clay Consolidated School District Board of Education	6
Red Clay Consolidated School District Senior Administration	6
What is the Student Handbook?	7
Student Behavior Standards	7
When Is the Student Handbook Enforced?	7
Who Establishes a Good School Environment?	8
<b>Chapter 1- Student Rights and Responsibilities</b>	<b>10</b>
Attendance	10
Communication Devices	10
Consultation	11
Curriculum	11
Free Speech/Expression	12
Grades	12
Marriage, Pregnancy and Parenthood	13
Publications	13
School Climate / Environment	14
Search and Seizure	14
Student lockers	15
Student Vehicles	15
Student Dress Code	15
Student Government	16
Student Records	17
<b>Chapter 2- School Attendance</b>	<b>18</b>
Daily Attendance	18
Tardiness/Early Dismissal	18
Supportive Instruction (Homebound)	18
Compulsory Attendance Requirements	19
Recovering Days Absent	19
Truancy	19
Appeal Process	20
Student Absences Due to Social, Emotional, & Behavioral Wellness	20
<b>Chapter 3-Student Services</b>	<b>22</b>
RCCSD Multi-Tiered System of Supports	22
Outside Resources	24
<b>Chapter 4- District Services</b>	<b>27</b>
Bus Transportation	27
Acceptable Computer and Associated Network Use Policy	30

Public Safety and School Resource Officers (SRO) and Constables	32
<b><u>Chapter 5- Due Process Procedures</u></b>	<b><u>34</u></b>
Preliminary Discipline Investigation & Reporting Requirements	34
Initial Due Process	34
Assignment to an Alternative Program	36
Procedures for the Expulsion of Students	37
Student Grievance	40
Grievance Procedures	40
<b><u>Chapter 6- Student Code of Conduct</u></b>	<b><u>42</u></b>
Medications	42
Administrative Guidelines for Drug and Alcohol Violations	43
Uniform Definitions for Student Conduct	45
Levels of Interventions/Consequences	49
Interventions- Administrative Guidelines	51
Consequences- Administrative Guidelines	53
Definitions of Consequences	54
<b><u>APPENDIX</u></b>	<b><u>56</u></b>
Red Clay Board Policy 8023- Bullying Prevention	57
Red Clay Board Policy 8026- Teen Dating Violence and Sexual Assault	66
Red Clay Board Policy 8027- Suicide Awareness and Prevention	74

# Introduction

The Red Clay Consolidated School District is dedicated to the development of each student’s potential for learning in a positive environment. Schools are to be free from disruptions that interfere with teaching and learning activities. Students, parents, and school staff will assume a responsible role in promoting behavior that encourages learning and the development of individual potential.

Students, parents, and staff are responsible for becoming knowledgeable of the entire contents of this handbook.

The Red Clay Consolidated School District Board of Education has adopted “Student Behavior Standards.” All students will receive Behavior Remarks 01 (Exceeds Behavior Standards), 02 (Meets Behavior Standards), 03 (Approaching Behavior Standards), or 04 (Does Not Meet Behavioral Standards) in all subject areas on their report cards.

## Editorial Note

The term “parent,” as used in this document, is meant to include a natural parent, stepparent, parent by adoption, legal guardian, or other person who has custody or control of the student.

The term “principal” refers to “principal or designee.”

“District” and “RCCSD” refer to the Red Clay Consolidated School District.

“RAP” refers to the Referral Action Program.

“SRO” refers to a School Resource Officer.

## Student Handbook Contacts

If you have any questions or concerns regarding elements of the Red Consolidated School District Student Handbook, please contact the individuals below.

Mark T. Pruitt, Jr.  
Director of Secondary Schools  
Phone: (302) 552-3753

Erin Necastro, EdD  
Director of Elementary Schools  
Phone: (302) 552-3753

## Complaints

If parents/guardians believe their rights have been violated, they must first utilize the Grievance procedure as outlined in this Manual. They may then file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SE, Washington, DC 20202-4605

## **State of Delaware Ombudsman**

The purpose of the Ombudsman is to ensure the proper administration of the school criminal offense reporting law contained in Section 4112 of this Title.

State of Delaware Department of Justice  
School Crime Ombudsman  
(800) 220-5414

## **Education for Children and Youth Experiencing Homelessness**

The Red Clay Consolidated School District shall adhere to the provisions of the federal McKinney-Vento Homeless Assistance Act. This law minimizes educational disruptions experienced by students who are experiencing homelessness.

District Liaison for Homeless Education  
Ms. April Christine Anderson  
Red Clay Consolidated School District  
1502 Spruce Avenue  
Wilmington, DE. 19805

302-552-3714 (office)  
302-892-3261 (fax)

## **Red Clay Consolidated School District Board of Education**

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Dr. Erin Necastro, Director of Elementary Education

Mr. Mark Pruitt, Director of Secondary Education

Dr. Sarah Celestin, Director of Student Services

Mr. Michael Simmonds, Director of Federal Programs

Ms. Lauren Fleck, Director of Human Resources

## **What is the Student Handbook?**

The Student Handbook is an official declaration of the Red Clay Consolidated School District Board of Education which:

- Describe strategies and practices school communities will use to promote positive learning environments
- Illustrate expected appropriate and respectful student behaviors
- Describe what actions and interventions are taken when students exhibit challenging, inappropriate, or harmful behaviors
- Outline student rights, privileges, and responsibilities
- Provide information about the disciplinary process and how to get help from school system personnel concerning appeal requests, processes and procedures, and resources for students and families. This handbook also includes a glossary of terms that may be used throughout the document.

## **Student Behavior Standards**

Red Clay Consolidated School District schools are positive learning environments where students:

1. Assume responsibility for their own actions
2. Respect and believe in themselves and others
3. Demonstrate the ability to get along with others
4. Understand and respect individual differences
5. Obey rules and laws, and understand the consequences of their choices
6. Demonstrate the importance of being generous, kind, and helpful

Provisions in the Handbook apply to all students in grades K–12. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. All students have a greater responsibility for their actions as they increase in age.

## **When Is the Student Code of Conduct Enforced?**

The Student Code of Conduct is enforced:

1. On school property prior to, during, and following regular school hours
2. While students are on the school bus for any purpose
3. At all school-sponsored events and other activities where school administrators have jurisdiction over students

#### 4. Off campus

- a. The Red Clay Consolidated School District has the authority to suspend or expel its students for activities occurring off of school premises when it is determined that the student presents a threat to the safety or welfare of Red Clay Consolidated School District students or personnel.
- b. The receipt of an Attorney General's notice that a student has been arrested for a crime that may jeopardize the safety or welfare of students is sufficient evidence to warrant the initiation of the Process to Determine Appropriate Disciplinary Action.

Any student who actively hinders an investigation or any student who aids, is involved with the planning, or helps another student in any way in an act which violates the Student Code of Conduct may be subject to disciplinary action.

Additionally, the school administrator is authorized to take disciplinary action when a student's misconduct to and from school has a harmful effect on the other students or on the orderly educational process.

### **Who Establishes a Good School Environment?**

All stakeholders are responsible for contributing to a good school environment by reviewing and observing the rules and regulations which govern our school community. The Student Code of Conduct recognizes the need for a cooperative relationship among students, parents, and school personnel. This relationship is most productive when:

#### Students

1. Attend all classes daily and on time
2. Are prepared for class assignments and activities
3. Come to class with appropriate working materials
4. Respect all persons and property
5. Refrain from abusive language and inflammatory actions
6. Conduct themselves in a safe and responsible manner
7. Are responsible for their own work
8. Abide by the rules and regulations set forth by the district, school, and classroom teacher

#### Parents

1. Keep in contact with the school concerning their child's progress and conduct
2. Ensure that their child attends school daily and on-time
3. Provide proper immunization as required by state law
4. Provide their child with resources needed to complete classwork and homework
5. Refrain from abusive language and/or inflammatory actions
6. Bring to the attention of school authorities any problem or condition which affects their child or others
7. Discuss report cards, work assignments, and data provided in HAC with their child



8. Maintain up-to-date contact information including emergency contacts
9. Seek assistance from school personnel in an appropriate and respectful manner

#### School Personnel

1. Attend regularly and on-time
2. Perform their duties with appropriate working materials
3. Respect all persons and property
4. Refrain from abusive language and/or inflammatory actions
5. Conduct themselves in a safe and responsible manner
6. Maintain a professional appearance
7. Abide by the rules and regulations set forth by the school district and Code of Conduct
8. Seek assistance in an appropriate and respectful manner
9. Maintain an atmosphere which encourages positive and appropriate behavior
10. Establish and maintain professional working relationships
11. Encourage use of community/school services as needed
12. Encourage parents to keep in regular communication with the school
13. Provide opportunities for parent participation
14. Encourage and maintain the involvement of students in the operation of the school
15. Encourage community involvement
16. Communicate with parents, students, and other employees professionally

# Chapter 1- Student Rights and Responsibilities

With every school, the principal has the responsibility and authority for maintaining an orderly educational process. The Red Clay Consolidated School District guarantees students' rights allowed by state and federal laws and the rules and regulations of the State Board of Education.

The Red Clay Consolidated School District Board of Education recognizes and supports students' rights and the corresponding student's responsibilities.

## Attendance

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.

Students have the right:

1. To school policies that clearly define legal absence, unexcused absence, and tardiness.
2. To appeal a decision concerning an absence (excused or unexcused) and shall not be penalized in any way for excused absences. Participation in a school-approved activity shall be considered an excused absence.
3. Where feasible, to make up assignments missed during any excused absence, according to the school district regulations concerning makeup assignments following an absence.

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.
3. To request the makeup assignments from their teachers upon return to school and to complete the work within the length of time specified in the district's attendance regulations.

## Communication Devices

The Red Clay Consolidated School District acknowledges that electronic communication devices such as cell phones are common amongst students and provide families with a sense of security and safety through immediate and direct communication. However, use of cell phones during the school day may disrupt the educational process. In addition, use of cell phones during fire drills, or in the case of an emergency, may create dangerous situations by disseminating misinformation or interrupting administrative procedures.

Student use of cell phones in an unauthorized area as outlined below will be subject to all interventions and consequences outlined in Chapter 6 of this handbook in accordance with uniform definition "Cell Phone and All Other Electronic Devices, Unauthorized Use of (S0311)."

### Schools Without High School Grade Configurations

Students whose parents require that they have a cell phone or other personal electronic device at school are to

keep them off and away at all times during the instructional day. Use of a cell phone at any point during the school day is considered “unauthorized.” Cell phones must be kept in a clothing pocket, secured bookbag, or locked locker at all times.

### **Schools With High School Grade Configurations**

Schools with high school configurations will develop their own policies regarding cell phones that clearly delineate authorized and unauthorized non-instructional areas and times when students may and may not use cell phones and other personal electronic devices. Cell phone use in classrooms is unauthorized unless directed by the classroom teacher.

### **Loss/Theft**

Cell phones and other electronic devices are personal property, and students are urged to take precautions to guard against loss or theft. The Red Clay Consolidated School District is not responsible for the loss or theft of students’ property.

## **Consultation**

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Schools have the responsibility to notify parents and/or students of available counseling services within the school setting and to inform parents and students of the services of other agencies.

Students have the right:

1. To be informed accurately as to the nature of the guidance services available in their school and/or community.
2. To appropriate counseling for personal and educational problems. Access to consultation services within a reasonable amount of time should be assured.

Students have the responsibility:

1. To use counseling services for their educational and personal development, where appropriate and available.
2. To schedule appointments in advance unless the problem or concern is of an emergency nature. Parents and students have the responsibility of informing the school of information that may be useful in making intelligent educational decisions.

## **Curriculum**

Students have the right:

1. To have access to clear and precise curriculum descriptions that will help them to make informed choices.
2. To participate in available programs that are appropriate to their individual needs at all grade levels.
3. To study all subjects in an atmosphere free from bias and prejudice.
4. Equal access to any available extra-curricular activity corresponding to their interests and abilities.

Students have the responsibility:

1. To seek clarification, if necessary, from the informed persons in the school.
2. To strive for mastery of skills by participating in available programs.
3. To contribute toward the development of a positive academic climate in the school.
4. To respect the rights of other individuals who have different viewpoints and to become informed about issues being studied.
5. To explore any available extra-curricular activity which corresponds to their abilities and interests.

## **Free Speech/Expression**

One of the basic purposes of schools is to prepare students for responsible self-expression in our society. Self-expression is permitted under the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution. Students may inquire, question, and exchange ideas. Self-expression must not interrupt the orderly educational process of the school or be in violation of the Student Code of Conduct. Free expression must not be obscene, libelous, or disruptive.

Students have the right:

1. To participate in patriotic activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deep personal convictions. Students who do not wish to participate in patriotic activities shall not be forced to do so.
2. To request in writing to be excused from any activity which is against their religious beliefs.
3. To petition and survey student opinions by following established procedures.
4. To express their own opinions on issues in a reasonable manner.
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 educational activities of others.

Students have the responsibility:

1. To act in a respectful manner during patriotic activities whether participating or not.
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 manner at a reasonable place and time.
5. To plan, get approval, and hold activities that are based upon educational objectives.

## **Grades**

Grades are one indicator of the student's demonstrated knowledge or skill at a particular time. A student's grades should reflect the teacher's best assessment of the student's academic achievement. Students have the right:

1. To receive a written copy of a teacher's grading systems at the beginning of each course.

2. To receive an academic grade that is based on the district's grading system that reflects the student's academic achievement.
3. To be given appropriate notice of when assignments are due.
4. To receive written notification of unsatisfactory progress at any time during the marking period.
5. To not have grades used as a disciplinary tool. A student who engages in academic dishonesty (e.g., cheating, plagiarism, copyright infringements) will receive no credit for the assignment.

Students have the responsibility:

1. To ask for an explanation of a grading system which they do not understand.
2. To maintain standards of academic performance according to their abilities and to ask for explanations of grades which they do not understand.
3. To present assignments when due.

## **Marriage, Pregnancy and Parenthood**

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.

Students have the right:

1. To remain in the regular school program or to attend a special program designed to meet their needs.
2. To be referred to a marriage, pregnancy, or parenthood agency for counseling if they request it.

Students have the responsibility:

1. To attend school regularly or to take advantage of special programs designed to meet their needs. Students who are pregnant should seek professional medical advice regarding school attendance.
2. To request counseling for marriage, pregnancy, or parenthood.

## **Publications**

One of the important rules 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.

Principals will suppress or recall literature that they consider primarily commercial in nature, or material that could disrupt the orderly operation of the school.

Students have the right:

1. To possess, post, and distribute literature that will not disrupt the school program and which follows the district's guidelines for responsible journalism.

2. To be free from censorship of their publications within the guidelines previously agreed upon by students and administrators.

Students have the responsibility:

1. To use only those bulletin boards or wall areas assigned for use by students and student organizations. Students must also accept responsibility for the effect that the posting, publication, or distribution of this literature might have on the normal activities of the school.
2. To refrain from publishing libelous 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.

## **School Climate / Environment**

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

Students have the right:

1. To have a safe and positive school environment.
2. To attend classes without distractions and disturbances.
3. To attend a school free of drugs and weapons.
4. To attend a school free of harassment.

Students have the responsibility:

1. To conduct themselves in a safe and responsible manner.
2. To abide by the rules and regulations set forth by the school and classroom teacher.
3. To refrain from possessing, carrying, or using illegal drugs and/or weapons.
4. To respect all persons as individuals who have rights.

## **Search and Seizure**

Students shall be free from unreasonable search and seizure of property as guaranteed by the 4th Amendment of the U. S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School lockers are school property and may be subjected to search at any time, with or without reasonable suspicion.

Students have the right:

- To privacy in their personal possessions unless the principal or his/her designee has reasonable cause to believe that illegal, harmful or non-school related items, such as, but not limited to, electronic or communication devices that are being used to disrupt the educational process or endanger the health, safety, or welfare of others.

Students have the responsibility:

- To not carry or conceal any materials that are illegal and that may disrupt the educational process, or endanger the health, safety, or welfare of others. Students are responsible for the contents of their lockers.

## Student Lockers

Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion. Personal possessions, such as coats, purses, book bags, etc., may also be subjected to search with reasonable cause.

## Student Vehicles

Student driving is a privilege that may be extended to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's serious violation of the Code of Conduct may result in the student being asked to open an automobile in the school environment to permit school authorities to look for unsafe items. Failure to open any part of the motor vehicle on the request of school authorities will result in loss of privilege to bring the vehicle on campus.

## Student Dress Code

*The following guidance shall govern the dress of students in RCCSD schools.*

The RCCSD believes that:

- All students should be provided the environment, resources and commitment necessary to ensure that they succeed.
- Students and their parents/guardians hold the primary responsibility in determining their personal attire, hairstyle, jewelry, etc.
- Schools are responsible for ensuring that student dress does not interfere with the health or safety of any student and does not contribute to a hostile or intimidating environment for any student.
- Schools are responsible for the safety of the school community.
- Students should be able to dress in a manner that expresses their individuality without fear of unnecessary discipline or body shaming.
- Students and staff are responsible for managing their own personal distractions.
- Students should not face unnecessary barriers to attending school.

Specialized Classes/Programs

- Clothing must be suitable for all scheduled classroom activities, including physical education, science labs, CTE classes, and other activities where unique hazards or specialized attire or safety gear is required.

Dress Code

- Students must wear clothing including both a shirt with pants or skirt, or the equivalent.
- The torso must be covered and undergarments must not be visible.
- Students must wear shoes with a sole.
- Hats and other head coverings are not to be worn in schools except in cases of medical, and religious reasons.

Clothing may not:

- depict, advertise or advocate the use of alcohol, tobacco, marijuana or other controlled substances.
- depict pornography, nudity or sexual acts.
- share or depict hate speech.
- Depict violence or threaten the health or safety of any other student or staff member.

This policy permits schools approved through RCCSD Administrative Memorandum 8001.7 *School Uniform* to continue with their policy provided that it is gender neutral and inclusive of attire worn for religious reasons. Schools adhering to this administrative memorandum should also follow the consequences below.

#### Consequences

- Students have the right to be treated equitably. Dress code enforcement will not create disparities, reinforce or increase marginalization of any group, nor will it be more strictly enforced against students because of racial identity, ethnicity, gender identity, gender expression, gender nonconformity, sexual orientation, cultural or religious identity, household income, body size/type, or body maturity.
- Principals are required to ensure that all staff are aware of and understand the guidelines of this policy.
- Staff will not enforce the dress code of one student in front of other students.
- Students shall not be removed from class as a consequence for wearing attire in violation of this policy unless the attire creates a substantial disruption to the educational environment, poses a hazard to the health or safety of others, or factors into other student Code of Conduct violations.
- A typical first response for a violation of this policy is student redirection. Students should be provided the opportunity to change into dress code compliant clothes.

## Student Government

The student government is a means for 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.

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 Associations, 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, gender identity, sex, color, creed, political beliefs, or academic standing.
4. To attend official student government meetings as student government officers and representatives in accordance with school regulations.

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 get the prior consent of any faculty member recommended.
3. To conduct election campaigns in a positive, mature manner with all due respect provided to other candidates.
4. To participate regularly and to conduct themselves in an appropriate manner; to demonstrate positive leadership in school government, and to operate within district and school regulations.



## **Student Records**

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 that can be used to develop the best possible educational program for each student. To be FERPA compliant, 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.

Students have the right:

1. To release, inspect, review, and challenge the information contained in the student's records within district guidelines for students who are 18 years of age or older and parents of students who are under 18 years of age. School personnel shall provide assistance to students and parents to help them understand the material in the record. This access may not be denied because of failure to pay fines or fees.
2. To be protected from the release of personally identifiable information to unauthorized persons.

Students have the responsibility:

1. Eligible students and parents have the responsibility 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 as it relates to school fees or fines.
2. Eligible students and parents or guardians have the responsibility to release information to those individuals or agencies that are working in a positive manner for the benefit of the student. The permission to release information, where required, must be in writing.

## Chapter 2- School Attendance

In addition to this chapter, the Red Clay Consolidated School District follows all Red Clay Consolidated School District policies regarding attendance and 14 Del. C. 27.

### Daily Attendance

Regular attendance at school plays a major role in a child's success in school. School attendance is mandated by state law and regulations of the Delaware State Board of Education. Every parent, guardian, or other person having legal responsibility of a child between the ages of 5 and 16 is required to send such child to school. Attendance standards are applicable to all students enrolled in the Red Clay Consolidated School District.

### Tardiness/ Early Dismissal

Students must attend school on time each day it is in session. Students who are absent, tardy, or leave early from school should submit documentation. The following result in an excused absence, tardy, or early dismissal.

- Illness of the student
- Documented mental health or behavioral health concern or treatment of the student
- Contagious disease in the home of the child subject to regulations of the Division of Public Health, Department of Health and Social Services
- Pregnancy of student if necessary, attested by a physician's note
- Death in the immediate family; funerals of other relatives or close friends, not to exceed five days
- Legal business requiring the student's presence
- Suspension or expulsion from school
- Observance of religious holidays
- Approved college visits during the junior or senior year
- Authorized school-sponsored activities
- Students in grades 6-12 shall be allowed 1 excused absence per school year to attend a civic engagement activity.

It is important to establish and maintain communication with your student's school related to attendance. When absences are related to basic needs, medical needs, and/or social, emotional, or behavioral wellness, the school can assist with supporting the student and connecting them to additional supports outside of the school as needed.

Students shall not exceed 25 days absent during the school year (Elementary) or 25 days absent in scheduled classes (Secondary) to be eligible for promotion unless otherwise stated by special education protocols.

If a student is absent for more than 50% of his or her instructional day/classes, the student is considered absent from school (Secondary).

### Supportive Instruction (Homebound)

A student who is unable to attend school due to a temporary physical or emotional handicap is eligible for Supportive Instruction. Applications for these services must be processed through the student's school of attendance and approved by the Director of Special Services. In all cases the requests must be substantiated by a physician's statement. (For example, a psychiatrist must substantiate an emotional handicap causing an absence.)

Supportive services are short term, but long term services substantiated by renewed physician statements are permitted. Application forms are available in each school building.

Absences for reasons beyond what is listed in this Student Handbook shall be considered unexcused. Students who are absent for three days or more without a legal excuse shall be considered truant. Following an absence, an explanation note must be provided on or before the fifth day of the student's return to school in order for the absence to be considered excused.

## **Compulsory Attendance Requirements**

The District is responsible for reporting violations of the attendance laws of the State of Delaware. In compliance with Delaware Code (Title 14, Chapter 27). The following will occur.

For children in grades K through 12: The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year.

1. Following the 10th day of unexcused absence by a student, the school shall immediately notify the parent/guardian and a visiting teacher for the district shall visit the student's home;
2. Following the 15th day of unexcused absence by a student, the student's parent/guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;
3. Following the 20th day of unexcused absence by a student, the school shall refer the case for prosecution;
4. Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth, and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.

## **Recovering Days Absent**

Any day of summer school, any session of after school or Saturday extra instruction, or any session of mentoring which a child is required to attend as an academic improvement activity shall be considered a school day for purposes to minimize truancy.

## **Truancy**

A student who is absent for more than 3 school days in a school year without a valid excuse, as defined in Rules and Regulations of the State Board of Education shall be considered truant. Schools will take action regarding unexcused absences including, but not limited to, written communications, home visits, required parent conferences, and referral of the parent for truancy charges. A parent who is determined to violate the State's compulsory school attendance laws is subject to penalties as described by State law, outlined below:

### **Parents/Guardians**

- 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; prohibition of the student's participation in any extra-curricular activity or social event which is an official school event or is

sponsored by the school or held on school property; a recommendation that the student enroll in the school in alternative educational and related services; such other action as is permitted by statute or by court rule. Students may be subjected to substance abuse or mental health evaluation and treatment 14 Del. C §2730 (c).

No student under the age of 18 may withdraw from school unless his/her parent/guardian signs a formal withdrawal request and an exit interview is conducted.

The Superintendent or designee shall develop specific procedures for tracking attendance and for referral and intervention in cases of violation for school attendance law.

## **Appeal Process**

Parents may appeal the attendance procedures by filing a written request to the principal within 10 days of the 25th or 45th day absent. Appeals are limited to the following:

1. The total number of days absent.
2. Days absent were a result of the school related activities.
3. The student was not provided an opportunity to recover time.
4. The days absent were caused by factors beyond the student and parent's control.

The principal will schedule a meeting with the parents to hear the appeal. The principal will render a written decision within 10 days of the meeting.

Parents may appeal the principal's decision by submitting a written request to the Director of School Operations within 10 days of the principal's decision. The Director will review both the parent and principal's documentation and render a written decision within 10 days of the request for an appeal. The Director's decision will be final.

## **Student Absences Due to Social, Emotional & Behavioral Wellness**

The Red Clay Consolidated School District recognizes that students have mental health, just like physical health. At times, students may miss school for reasons related to their mental well-being. When students miss school for mental health reasons, it is essential to connect them to resources based on their needs, similarly to going to a doctor for a physical illness.

The information below defines mental and behavioral health and provides resources to support students' social, emotional and behavioral wellness.

### **Definitions:**

**Mental health** is the emotional, psychological, and social well-being of a person. Mental health issues may include, but are not limited to, mood, anxiety, and post-traumatic stress.

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

### **Connecting with Supports & Resources Within the School**

It is important to establish and maintain communication with your 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 and return to school successfully. The school counselor can be reached by calling the school directly.

### **Resources Outside the School**

Police/Fire/Ambulance 911

Child Mental Health Crisis Line 1-800-969-HELP (4357)

Crisis Text Line Text DE to 741741

Sexual Assault Crisis Services (Contact Lifeline) 1-800-262-9800

### **National Hotlines & Resources**

LGBT National Help Center 1-800-246-7743 (call/online chat)

LGBTQ Youth Crisis Line 1-866-488-7386 (call/text START to 678-678/online chat)

National Eating Disorders Association 1-800-931-2237 (call/text/online chat)

National Domestic Violence Hotline 1-800-799-SAFE (7233) (call/online chat)

National Human Trafficking Resource Center 1-888-373-7888 (call/text/online chat)

National Sexual Assault Hotline 1-800-656-HOPE (4673) (call/online chat)

National Teen Dating Abuse Hotline 1-866-331-9474 (call/text LOVEIS to 678-678/online chat)

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)

See additional services in Chapter 3- Student Services

# Chapter 3-Student Services

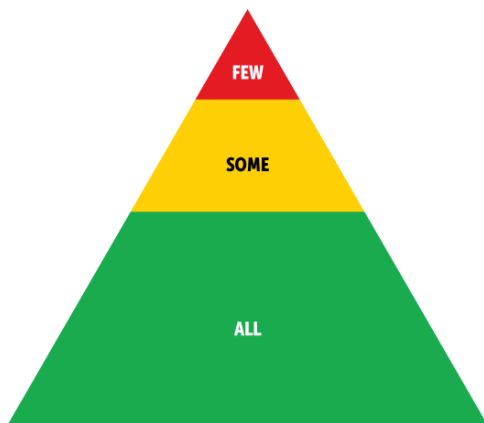
## RCCSD Multi-Tiered System of Supports

Red Clay Consolidated School District uses a Multi-Tiered System of Supports (MTSS) that emphasizes proactive and preventive strategies for defining, supporting, and teaching appropriate behaviors to create a positive school climate. MTSS is defined as a whole-school, data driven, and prevention-based framework for improving learning outcomes for each student through a layered continuum of evidence-based practices. The MTSS approach emphasizes proactive and preventative strategies for supporting appropriate behaviors, both social and academic. Behavioral supports and interventions are implemented using a three-tiered prevention/intervention approach to student behaviors. School staff recognize that maintaining and changing student behaviors involves a continuum of acknowledgements, supports, and interventions. Through MTSS, our schools develop positive school climates with tiered interventions to address the growth of the whole child (*Center for Positive Behavior Intervention Supports, University of Connecticut*). Red Clay staff are committed to providing prevention and intervention support for the social, emotional and behavioral wellness of students across PK-12 educational environments.

The MTSS framework consists of three-tiers:

- Tier 1: Universal or school wide for all to be successful.
- Tier 2: Targeted and available for some students who need more behavioral or academic support and is layered with Tier 1 supports.
- Tier 3: Individualized for students in need of intensive behavioral or academic support. This is a continuum of support available to students as a need arises.

The MTSS model includes Positive Behavioral Intervention and Supports (PBIS), Restorative Practices (RP), and various other proven interventions and supports. Staff are committed to creating positive school climates that teach students how to engage, connect, and succeed in their school community.



### Brief Summary of All Tiers

#### Tier 1 - Schoolwide Supports (Universal)

- Tier 1 universal programming is designed to support all students. Key components include ongoing data-collection, analysis and action planning, the establishment of school-wide & classroom systems, well-defined positive social and behavioral expectations that are actively taught, and recognized, the development of authentic relationships amongst students, staff, families and the community, disciplinary encounters are viewed as opportunities to grow, and an emphasis on developing students' self-discipline.
- **Tier 1 Interventions may include (but are not limited to):**
  - Predictable, nurturing and safe learning environments
  - Consistent procedures and routines
  - Creating and fostering positive relationship building: students to staff and students to students
  - Positively stated and clearly defined school-wide behavior expectations that are taught and retaught throughout the school year
  - Modeling and practicing
  - Precorrection and redirection
  - Acknowledgement systems for positive behaviors
  - Clear definitions for behaviors that interfere with academic and social success and consistent procedures for addressing administratively managed behavior (i.e. major offenses) versus staff-managed behavior (i.e. minor offenses)
  - Implementation of Restorative Practices such as Community Building Circles
  - Implementation of Responsive Classroom practices and strategies such as Morning Meeting
  - Implementation of Mindfulness Practices
  - Implementation of Trauma-Informed Practices such as having access to designated calm-down spaces where students can regulate themselves.
  - Explicit instruction on the development of Social and Emotional Learning (SEL) competencies
  - Well-being check-ins during a morning meeting, advisory or general class time

### **Tier 2 - Small Group Supports (Targeted)**

- A Tier 2 level of support involves identifying the specific demonstrated needs of a particular sub-group of students, selecting and implementing targeted group-based interventions, and evaluating effectiveness of interventions used. Interventions are evidence based and focused on relationship and/or skill-building. The team matches individual students' needs to interventions and progress monitoring (i.e. problem-solving conversations), as well as monitors group intervention data to determine overall intervention effectiveness (i.e. systems conversations). Tier 2 may give students a higher dosage of what is already being provided universally at Tier 1 (e.g. teach skills, prompt use, reinforce the use of skills, monitor effectiveness, communicate).
- **Tier 2 Interventions may include (but are not limited to):**
  - 2 x 10 Relationship Building
  - Check-In/Check-Out (CI/CO)
  - Mentoring with staff/students
  - Group Counseling
    - Example skill areas: emotion regulation/coping skill strategies, Functional Communication Skills, conflict resolution skills
  - Check and Connect
  - Break System
  - Additional opportunities to practice school-wide expectations with increased frequency
  - Antecedent Accommodations
  - Conversations with a relationship-building focus between teacher to student(s)/student to student (facilitated by a staff member)
  - Other evidence or research-based strategies

**Tier 3 - Individualized Supports (Tertiary)**

- A Tier 3 level of support involves a small number of students that need individualized, intensive behavioral strategies in order to sufficiently achieve or maintain desired outcomes and prevent future problems. These supports are not based on categorical service options (i.e. whether a student meets criteria for special education services), but provide access to individualized, intensive supports matched to student needs. At the Tier 3 level, systems discussions/work may include expanding partnerships with community partners (either working within the school or outside the school) and individualized student problem solving will include individualized data collection, assessment and interventions.
  
- **Tier 3 Interventions may include (but are not limited to):**  
 More intensive version of a Tier 2 intervention and likely both skill based and relationship based interventions should occur.
  - 2 x 10 Relationship Building
  - Individualized Check-In/Check-Out (CI/CO)
  - Mentoring with Staff
  - Individual Counseling (this may be provided by various school staff members with mental health credentials)
  - Group Counseling
  - Check and Connect
  - Break System
  - Teaching Functional Communication Skills
  - Increased Adult Supervision
  - Increase Antecedent Accommodations
  - Restorative Practice/circles: Teacher to student/ student to student
  - Completion of a **Functional Behavior Assessment (FBA)**
  - Development of a **Behavior Support Plan (BSP), including safety plan**
  - If needed, refer for formal community/agency services
  - Ongoing monitoring of student outcomes
  - Collaboration and/or linkages to community resources
  - Individual Education Plans (IEP) and/or 504 plan
  - Coping Skill strategies
  - Individualized opportunities to practice school-wide expectations with increased frequency
  - Behavior Support Team, BST consultation
  - Alternative Education Setting
  - Other evidence or research-based strategies

**Outside Resources**

Agency	Services Provided	Contact Information
<b>Department of Services for Children Youth and Families (DSCYF)</b>	<ul style="list-style-type: none"> <li>● Adoption</li> <li>● Case management</li> <li>● Child abuse intervention</li> <li>● Child abuse reporting</li> <li>● Crisis help</li> <li>● Family services</li> <li>● Family Court Liaisons</li> <li>● Family trauma help</li> </ul>	<b>Mental Health/Substance Use Emergencies - Child Priority Response (Crisis) Services –</b>  1-800-969-HELP (4357)



	<ul style="list-style-type: none"> <li>• Foster care</li> <li>• Behavioral health services</li> <li>• Suicide prevention</li> <li>• Youth rehabilitation services</li> </ul>	
<ul style="list-style-type: none"> <li>• Prevention and Behavioral Health Services (PBH)</li> </ul>	<ul style="list-style-type: none"> <li>• An agency that provides behavioral health prevention and early intervention supports in the following areas to youth who are uninsured, enrolled in Medicaid or the Children’s Health Insurance Program (CHIP), or those who have exhausted all private health or substance abuse benefits: <ul style="list-style-type: none"> <li>• Mental health</li> <li>• Substance abuse</li> <li>• Child abuse</li> <li>• Neglect</li> <li>• Dependency</li> <li>• Juvenile delinquency</li> <li>• Truancy</li> <li>• Domestic violence</li> </ul> </li> </ul>	<p>302-633-2600</p> <p>1-800-722-7710</p> <p><a href="mailto:DSCYF_Intake_General@state.de.us">DSCYF_Intake_General@state.de.us</a></p>
<ul style="list-style-type: none"> <li>• Youth Rehabilitation Services (YRS)</li> </ul>	<ul style="list-style-type: none"> <li>• Lead juvenile justice agency serving youth ordered through the judicial system</li> <li>• Assess the needs of youth and collaborate with their families, school, and support systems to coordinate services aimed at addressing the factors that contributed to delinquency</li> </ul>	<p>302-633-2620</p> <p><a href="mailto:YRS.DSCYF@state.de.us">YRS.DSCYF@state.de.us</a></p>
<ul style="list-style-type: none"> <li>• Division of Family Services (DFS)</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption</li> <li>• Child abuse intervention</li> <li>• Foster care</li> <li>• Independent living</li> <li>• Reporting child abuse and neglect</li> </ul>	<p>302-633-2657</p> <p>302-633-2654</p> <p>Mandatory reporting for child abuse: 1-800-292-9582</p>

<b>Department of Health and Social Services(DHSS)</b>		<u>302-255-9040</u>
<ul style="list-style-type: none"> <li>• Division of Substance Abuse and Mental Health (DSAMH)</li> </ul>	<ul style="list-style-type: none"> <li>• Crisis intervention</li> <li>• Prevention</li> <li>• Treatment</li> </ul>	1-855-649-7944
<ul style="list-style-type: none"> <li>• Division of Developmental Disabilities Services(DDDS)</li> </ul>	<ul style="list-style-type: none"> <li>• Support for individuals with autism or intellectual disability</li> <li>• Individual support services</li> <li>• Care coordination services</li> <li>• Respite services</li> <li>• Self-advocacy</li> <li>• Transition for post-graduation</li> </ul>	Office of Applicant Services: 302-744-9700
<ul style="list-style-type: none"> <li>• Division for the Visually Impaired (DVI)</li> </ul>	<ul style="list-style-type: none"> <li>• Teens with visual impairments are eligible for transition services 4 years prior to exiting high school</li> </ul>	Central Intake Coordinator: 302-255-9848
<ul style="list-style-type: none"> <li>• Division of Vocational Rehabilitation (DVR)</li> </ul>	<ul style="list-style-type: none"> <li>• Job development, placement, and retention services for individuals with disabilities that do not qualify for DDDS</li> <li>• Job coaching</li> <li>• Tutoring services</li> <li>• Supported employment</li> </ul>	Central Office: 302-761-8300

# Chapter 4- District Services

## Bus Transportation

The bus is an extension of the school day. As such, Chapter 6 “Student Code of Conduct” of this handbook remains in effect any time a student is on a school bus, including but not limited to the assigned bus to and from the school, activity buses, sports buses, and field trip buses.

Red Clay transportation also follows all Red Clay Consolidated School District policies and 14 Del. C. § 1150.

### Bus Behavior and Expectations

Along with behaviors outlined in Chapter 6 of this handbook, the following expectations apply to the school bus to assist with safety and prompt arrivals/departures of buses. Violations of these expectations are also subject to disciplinary action outlined in Chapter 6 of this handbook. Riding the school bus is a privilege. If this privilege to ride a bus is suspended or revoked, the parent(s)/guardian(s) will be responsible for transporting their child to and from school.

1. Listen to the bus driver/bus aide and follow directions.
2. Stay seated (back-to-back, bottom-to-bottom, book bag on your lap).
3. No eating or drinking except for water in a water bottle.
4. All body parts must be inside the bus (e.g., hands, head, hair, feet).
5. Do not distract the driver including but not limited to:
  - No shouting, screaming or loud noises.
  - Do not throw objects inside, outside, or around the bus.
  - Do not bring distracting items (ex- live animals, balloons, skateboards, etc)
6. Do not touch emergency equipment (e.g., back and side doors, windows, roof hatches, first aid and body fluid kits, two-way radios).
7. Students must ride their assigned bus to and from their assigned stop. Switching buses for any reason is strictly prohibited.
8. Students are not to leave the bus without the driver’s permission, except on arrival at their regular bus stop or at school.
9. Students must help keep the bus clean, sanitary and orderly.
10. The bus windows are not to be opened without permission from the driver.
11. Large items related to school programming (musical instruments, athletic equipment, school projects, etc) brought on the bus must fit between the student’s legs and or on the lap. Care and safety when transporting instruments, sports equipment, and projects is considered a priority. Whenever possible, musical instruments and athletic equipment must be in appropriate bags.
12. Students must use student ID (enter or scan) when boarding and exiting the bus.

13. Students are to enter the bus, immediately take their seats, and remain seated until the bus comes to a complete stop.
14. Students are to conduct themselves while on the bus in such a way that will not distract the driver. Distracting the driver puts everyone at risk.
15. Students with high school issued parking passes will be ineligible for bus transportation.
16. Students must never stand or play in the street while waiting for the bus.
17. If crossing a street to board the bus, students must look both right and left for cars, wait for the driver's signal to cross, and make sure the red lights are flashing. Always cross the street in front of the bus. Before boarding and exiting the bus, students must keep a safe distance from the bus.
18. Students must enter the bus without crowding or pushing.
19. Do not stand in the danger zones of a school bus (minimum of 10 feet all around the bus).

During grades PreK—3 the Bus Safety Rules are presented to all students in the Red Clay Consolidated School District, including walkers. The purpose of these presentations is to ensure students are aware of the bus safety rules, safe procedures while entering and exiting the school bus, and safe street crossing techniques, etc.

#### **Electronic Devices/Cell Phone Use on School Buses**

Red Clay acknowledges that electronic devices (including cell phones) are a part of the instructional day and provide students and families with a sense of security and safety through immediate and direct communication. Students may utilize these devices on the school bus but the devices may not be audible.

#### **Surveillance on School Buses**

School buses, both district owned and contracted buses, have surveillance cameras which include audio and video capability. These tapes and/or hard drives will be used in disciplinary procedures.

#### **Meeting Students at Assigned Bus Stops**

A parent/designated adult is responsible to meet the student at the bus stop for the following students:

- Children under the age of five.
- Kindergarten students.
- Special education students where there is a transportation addendum to the IEP.

The following actions will be taken when a parent/designated adult is not available to meet the student at a bus stop.

1. The Transportation Department will contact the student's school and report that no one was present to receive the child.
2. The school will contact the emergency number(s).
3. If all emergency numbers are exhausted and parent contact is unsuccessful, the Transportation Department will return the student to school. The school will establish contact with the parent and arrange for the student to be taken home.

- a. If the student is a special education student (requiring adult assistance and/or five years of age and under), a referral will be made to the Division of Family Services after the third time.
  - i. First Time: Send Letter A
  - ii. Second Time: Warning
  - iii. Third Time: Referral to the Division of Family Services (1-800-292-9582)
- b. If the student is not a special education student, the bus transportation will be discontinued and a referral to the Division of Family Services will be made after the third occurrence.
  - i. First Time: Send Letter B
  - ii. Second Time: Warning
  - iii. Third Time: Referral to the Division of Family Services (1-800-292-9582)

### **Bus Change**

Bus transportation cannot be viewed as a taxi and/or shuttle service. Below are guidelines for bus changes:

1. Bus routes and assignments can ONLY be changed by the Transportation Department.
2. Once the school makes address and/or day care changes, transportation will assign a bus stop in accordance within Red Clay Consolidated School District policy and procedures and adjust the bus route within 48 hours.
3. The Transportation Office will not give permission for a student to ride a different bus, except in emergencies.
4. Changing bus assignments for social events, school projects, parental vacations, getting to a work location, visiting another student, or allowing multiple drop-off locations for different days are not acceptable reasons.

### **Parking Passes**

The Red Clay Consolidated School District enforces Title 14, 4115 of the Delaware Code. This section addresses students who choose to drive to school and receive parking passes from their respective high schools.

1. A student receiving a parking pass from their high school will be ineligible to ride the school bus for the school year. Exceptions will only be granted for emergencies and only with permission from the Red Clay Consolidated School District Office of Transportation.
2. Students and parents will need to sign the parking permit stating that they have read and understand the district policy and return the permit to the high school administration.
3. A copy of the signed permit form will be sent to the transportation office. The student will be removed from the bus roster.

### **Denial of Bus Privileges**

Denial of bus privileges is either a temporary or permanent removal of the opportunity to ride the school bus. In all cases of denial of bus privileges, an attempt shall be made to notify the parent/guardian by telephone, with a written notification of the denial sent to the parent/guardian within twenty-four (24) hours. Denial of bus privileges shall not be used as a disciplinary action for non-bus related violations.

During the denial of bus privileges, it shall be the parents'/guardians' responsibility to provide the student's transportation to and from school. Denial of bus privileges includes both the regularly assigned bus and activity

buses. Should the student be absent during the bus suspension, the responsibility for initiating the make-up work and turning in assignments rests with the student.

### **Where's The Bus?**

Wouldn't it be great if you could learn the exact location of your child's bus, and what time it will arrive at their stop? Red Clay has an app for that! WheresTheBus™ allows families to follow progress of the bus before it arrives at the student's assigned stop. Knowing when the bus will arrive translates into peace of mind for parents. Mornings are less hectic and stressful for families when you eliminate the bus stop rush and uncertainty of wondering when the bus will arrive. Families can minimize waiting outside in inclement weather while enjoying more family time together.

As well as assisting families, Transportation Manager Kelly Shahan said the app has also proven beneficial to her department and schools. No longer does someone from transportation have to call a driver on their radio to learn where they are, they can simply check a screen.

The app also always allows parents to see in real-time where and when their student checked on the bus and off. Allowing parents to know that the student has arrived at school in the morning and returned home in the afternoon.

Signing up is free, and takes less than 5 minutes.

Visit [www.WheresTheBus.com](http://www.WheresTheBus.com).

1. Click Create Account
2. Select Red Clay School District (DE) from the school drop-down list.
3. Add the student info (Last Name and Student ID) for the student you want to signup
4. Finish the account set up by entering your email and creating a password

### **Red Clay Transportation Contact Information**

302.322.0251

## **Acceptable Computer and Associated Network Use Policy**

The purpose of the Red Clay Consolidated School District computer network is to promote the exchange of information to further education and research and is consistent with the mission of the Red Clay Consolidated School District.

Access to Red Clay Consolidated School District computers and the associated district network is a privilege not a right. If a user violates any of the acceptable use provisions outlined in this document, future access will be denied. Some violations may also constitute a criminal offense and may result in legal action. Any user violating these provisions, applicable state and federal laws, or posted classroom and school policies is subject to loss of access privileges and any other Red Clay Consolidated School District disciplinary options.

### **Acceptable Use for Students of the Red Clay Consolidated School District**

1. Use must be in support of education and research consistent with Red Clay Consolidated School District policies and curriculum standards.
2. District network is not for private or commercial business use, political, or religious purposes.

3. Any use of the district network for illegal activity is prohibited.
4. Use of the district network to access obscene or pornographic material is prohibited.
5. Sending material likely to be offensive or objectionable is prohibited.
6. Destruction or vandalism of technology equipment is prohibited.
7. Unauthorized installation of copyrighted software or files for use on district computers is prohibited.
8. No commercial/shareware/freeware software of any kind shall be installed or downloaded to any Red Clay Consolidated School District computer unless first approved by the District Manager of Technology.
9. Email cannot be used for private or commercial offerings of products or services for sale or to solicit products or services.
10. Email cannot be used for political or religious purposes.
11. Network storage areas may be treated like school lockers. Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district computers will be private.

#### My Responsibilities and Acknowledgements as a District Network User

1. I will respect the rights and property of others and will not improperly access, misappropriate or misuse the files, data, or information of others.
2. I will adhere to all copyright laws.
3. I will protect all district technology equipment from potentially damaging substances such as food, drink, and gum.
4. I will not share my account with anyone or leave the account open or unattended.
5. I will keep all accounts and passwords confidential and not accessible to others.
6. I will change passwords regularly using combinations of letters and numbers avoiding standard English words and names.
7. I am responsible for making back-up copies of documents critical to me.
8. I will take precautions to prevent viruses on all district computer equipment.
9. I understand that email communications are not considered private communications and can be reviewed by the district to ensure that email is being used in accordance with the requirements of this policy.
10. I will only use my account credentials to sign into my Chromebook or any district device.
11. I agree to not deface or destroy my Chromebook or other district device in any way.

Interpretation, application, and modification of this Acceptable Use Policy are within the sole discretion of Red Clay Consolidated School District. Any questions or issues regarding this policy should be directed to Red Clay Consolidated School District Administration. All appropriate Red Clay Consolidated School District Policies are applicable to technology equipment and use. If a parent/guardian elects to prohibit access to the Internet by his/her student(s), the parent/guardian must notify the Department of Information Technology in writing.

## Public Safety and School Resource Officers (SRO) and Constables

The Red Clay Consolidated School District's Department of Public Safety is staffed with commissioned State of Delaware Constables and Delaware State Troopers contracted to serve as School Resource Officers. They respond to calls for service from our schools and provide other services to our students, faculty and community:

- Respond to emergencies and investigate reports of crimes that occur on school properties.
- Manage the District Emergency Response Team and train the school Incident Response Teams.
- Support the Student Crisis Readiness Team (SCRT) in buildings only when the SCRT has already been involved in de-escalating a crisis situation. SROs/Constables should be the last person called and only if the Student Crisis Readiness Team is unable to stabilize the situation.
  - The SRO/Constable should not be a first responder or involved prior to the Student Crisis Readiness Team unless the crisis surpasses the ability of the Student Crisis Readiness Team and falls solely under the job duties of the SRO/Constable.
- An SRO shall annually receive awareness level training from the school district (per Delaware Administrative Code 610 [Limitations on Use of Seclusions and Restraint](#), 610.9.0).

The Red Clay Consolidated School District is required by State law or regulation to report certain student conduct to the appropriate Police Agency.

School officials are responsible for the safety of students and the security of the school property. School officials shall promptly report to the appropriate police agency all police matters that come to their attention. Incidents should be reported that occur in the school environment, including incidents that occur on or in connection with school buses. Additionally, evidence of those crimes which have occurred off school property but which come to the attention of school authorities shall be reported.

Delaware Code requires mandatory reporting of offenses listed in DE Code Title 14, Chapter 41, Section 4112. School officials who have reliable information that would lead a reasonable person to believe one of the following has occurred on school property or at a school function must immediately report the incident to a principal or their designee.

- Student, school volunteer, or school employee has been the victim of a violent felony, assault III, unlawful sexual contact III; or
- School employee has been the victim of an offensive touching, terroristic threatening; or
- Student under 18 has been the victim of sexual harassment, as defined under Title 11 of the Delaware Code; or
- Person on school property has drugs, weapons, bombs or dangerous instruments.

The principal or designee will make every effort to notify the parent(s)/guardian(s) and will conduct a thorough investigation. If the investigation finds good reason that a crime has been committed, there will be an immediate report to the police for any violent felony, drugs, weapon, bomb, or dangerous instrument, and within 3 days report for any crime listed under 4112. Reporting to police is not required for a misdemeanor committed by an offender under the age of 12. The following list is not all inclusive, but at a minimum, the following should be reported to law enforcement or the Department of Education.

- Assault and extortion against a pupil, or an assault, offensive touching, terroristic threatening or extortion against a school employee.
- Crimes that rise to felony level: reckless endangering, assault offenses, homicide, arson, criminal mischief, bombs, robbery, rape, extortion, fraud, forgery, weapons, etc.
- Laws controlling controlled substances and alcohol
- Incest, sexual abuse, or the neglect or abuse of children.



- Use, possession, or sale of dangerous instruments or deadly weapons, (e.g. Knives, firearms, ammunition, explosives).
- Possession or production of pornography
- Offenses involving school property: false alarms, telephone threats, computer crimes, criminal mischief, theft of school equipment or property, reckless driving, safety hazards.
- Theft of school or personal property of school personnel.
- Evidence of bullying.

# Chapter 5- Due Process Procedures

Reference- Delaware Regulations: Administrative Code: Title 14: 616

## Preliminary Discipline Investigation & Reporting Requirements

### Investigatory Procedures & Timeline

- In any instance when student Disciplinary Action which may result in removal of the student out of the Regular School Program for one day or more is contemplated, the Principal shall conduct a preliminary investigation to determine if there is reasonable basis to pursue Disciplinary Action.
  - The Principal may remove the allegedly offending student from the general student population while conducting the preliminary investigation if the student's presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal. Initial due process shall be provided.
  - When obtaining written statements from witnesses, reasonable efforts may be made to notify the Parent of each witness.
  - Reasonable efforts shall be made to include the allegedly offending student or Parent in the preliminary investigation.
- The investigation shall be completed within three (3) school days of the date the incident in question was reported.
- The Principal shall confiscate any contraband as defined in the Student's Code of Conduct or under the School's policy or state or federal law, which may be used for criminal/juvenile delinquency proceedings. Such contraband shall be labeled and secured in a locked area. Any confiscated contraband, or that reasonably understood to be illegal contraband, which may be used for criminal/juvenile proceedings shall be turned over to the appropriate police agency as soon as practicable.

### Reporting Requirements

- If the investigation reveals that there is reliable information that would lead a reasonable person to believe that a mandatorily reportable crime under 14 **Del.C.** §4112 has been committed, the Principal shall immediately notify the appropriate law enforcement agency of the incident.
  - All reports to the appropriate law enforcement agency must be made immediately by telephone or in person and shall be followed by a written report of the investigation within three (3) business days.
- The Principal shall report all offenses listed as a mandatory report to the Department of Education under 14 **Del.C.** §4112 and 14 **DE Admin. Code** 601 within five (5) business days of the incident by completing the information in the eSchoolPlus discipline center or successor Delaware Department of Education approved student database management application.

### Initial Due Process

A student shall be afforded initial due process rights for discipline procedures which result in the removal of the student for one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct.

- Prior to any removal of one day or more from the Regular School Program due to a violation of the school's Student Code of Conduct:

- The student had prior opportunity to be informed in accordance with the established Student Code of Conduct rules and/or regulations.
- The administrator/designee shall inform, orally or in writing, the student of the allegation(s) against him/her, the conduct which forms the basis of the allegation(s), and the policy, rule, or regulation violated.
- The student shall be given an explanation of the evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence.

#### **Due Process Delay Provision**

- A student whose presence in the School Environment poses a threat to the health, safety, or welfare to persons or property within the School Environment, as determined by the Principal, may be immediately removed from school provided that, as soon as practicable thereafter, the initial due process procedures are followed.

#### **Short-term Suspension**

- The Principal shall have the right to impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident.
- The Superintendent shall have the right to temporarily extend a student's Short-term Suspension beyond the ten school day limit pending a district Alternative Placement Meeting decision or the district Board of Education decision regarding an Expulsion hearing or other formalized Disciplinary Action hearing for the student.
  - A student whose Short-term Suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day of the extension. Educational services shall continue until the district Alternative Placement Meeting decision has been rendered or the district Board of Education decision regarding the student's Expulsion hearing or other formalized Disciplinary Action hearing has concluded. This does not preclude a district from providing Appropriate Educational Services during a Short-term Suspension prior to the extension.

#### **Long-term Suspension**

- The Superintendent shall have the right to impose a Long-term Suspension on any student in the school who has violated the school's Student Code of Conduct's listed acts of misconduct as defined in **14 DE Admin. Code 614.3**. The duration of the Long-term Suspension shall not exceed the number of school days in a school year for any single conduct violation or combination of violations which occurred during a single disciplinary incident.

Prior to any Suspension from school, the initial due process procedures shall be followed.

When a student receives a Suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the Parent shall be made by the Principal prior to the Suspension being served. Written notification of the Suspension and information regarding the district's appeal or Grievance process shall be given or sent to the Parent as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the Suspension.

- The Parent or student may appeal the Suspension to the next administrative level in accordance with Red Clay grievance procedures.

Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal shall hold an in-person or phone conference with the Parent and student. A definite time, date, and place for the conference shall be designated by the Principal. The Principal may waive this conference requirement.

## Assignment to an Alternative Program

### Procedures for Student Referral

- Criteria for student referral to an Alternative Placement.
  - A Principal may refer a student for Alternative Placement for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district Student Code of Conduct and the student's behavior is within the defined conduct under 14 **DE Admin. Code** 614.
  - A Principal may refer a student for Alternative Placement for any offense listed in 14 **Del.C.** §4112. Students ineligible as a result of an offense listed in 14 **DE Admin. Code** 611 shall not be referred to a Consortium Discipline Alternative Program.
  - A Principal may refer a student for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment. Students ineligible as a result of an offense listed in 14 **DE Admin Code** 611 shall not be referred to a Consortium Discipline Alternative Program.
  - A Principal may refer a student for Alternative Placement in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school-based best practice interventions have been put into place for said student. This may include, but is not limited to, counseling services, the development and implementation of a behavior support or modification plan, mentoring, referral to mediation, and participation in an available In-School Alternative Program.
  - Referral to a state funded Consortium Discipline Alternative Program must also meet the criteria set forth in 14 **DE Admin. Code** 611.

### Responsibilities for Student Referral Which May Lead to Alternative Program Placement

- When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur:
  - The Principal shall conduct a preliminary investigation pursuant to Section 3.0 of this regulation to determine if there is reasonable basis to pursue Disciplinary Action.
  - If the preliminary investigation verifies that Disciplinary Action may be warranted, initial due process procedures shall be followed.
  - After the student has been afforded initial due process procedures, and if the Principal decides that Disciplinary Action will be taken, the student and Parent shall be notified.
  - The Principal may impose a Short-term Suspension. If the student is suspended, the student and the Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
  - If the Principal decides that the Disciplinary Action should be a referral for an Alternative Placement, the Principal shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal.

- 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: 1) of the referral for Alternative Placement; 2) that the student may be suspended pending the outcome of the district Alternative Placement Team Meeting and; 3) 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.

### **Alternative Placement Meeting**

- An Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.
  - The Parent and student shall receive verbal and written notification of the school's Alternative Placement Meeting. Parents and students may, but are not required to, attend the meeting.
  - The Parent and student shall be informed of the school Alternative Placement Team's decision for placement within one (1) business day of the meeting.
    - If the decision is to assign to an Alternative Placement, the Superintendent shall send follow-up written notice within three (3) business days to the Parent describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

### **Procedures for the Expulsion of Students**

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Expulsion, the following procedures shall be followed.

- The Principal shall conduct a preliminary investigation to determine if there is reasonable basis to pursue Disciplinary Action.
- If the investigation verifies that Disciplinary Action may be warranted, initial due process procedures shall be followed.

After the student has been afforded initial due process procedures, if the Principal decides that Disciplinary Action in the form of a recommendation for Expulsion will be made, the following procedures shall be followed:

- The student will be given written notice of charges and the Parent shall be notified verbally and in writing as soon as practicable thereafter.
- The student shall be given a Short-term Suspension. The Parent shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- The Principal shall hold a Building Level Conference with the Parent and the student. The Principal shall explain to the Parent and the student the purpose of the meeting is to inform them: 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion.

- The conference 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.
- All documentation related to the recommendation for Expulsion shall be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

### **Expulsion Hearings**

- Upon receipt of a recommendation following the Building Level Conference, the Superintendent shall review documentation to affirm that appropriate discipline procedures were followed. The Superintendent shall, within ten (10) business days of the date of the incident, notify the student and the Parent by letter that a district-level Expulsion hearing will be held to consider the recommendation.
  - The Superintendent shall not have been a participant in the disciplinary investigation or Building Level Conference resulting in the recommendation for Expulsion.
- Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the Parent describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
- The hearing shall be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and Parent at the school office prior to the mailing.
- If requested, the student and Parent will also be given a copy of the following:
  - The reason(s) for the recommendation;
  - The name(s) of witnesses who may appear; and
  - Copies of information that may be submitted as evidence.
- The district shall receive written Parent permission for any witness who is a minor.
- The hearing shall be conducted by the Board of Education or Hearing Officer.
- The Board of Education or Hearing Officer shall have full authority to admit or exclude evidence.
  - Evidence presented at the Expulsion hearing may include, but is not limited to, witness statements, police or Attorney General's Reports, and photocopies of evidence.
  - The Board of Education or Hearing Officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as herein stated.
  - The Board of Education or Hearing Officer may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
  - The Board of Education or Hearing Officer may limit unduly repetitive proof, rebuttal and cross examination.
- In conducting the hearing, the district/charter school shall submit evidence first followed by the response of the student, if any.
  - Further evidence by either party may be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.
- The Superintendent presenting the case on the part of the school shall not testify.
- The hearing shall be recorded in a manner that will permit transcription.
- The student shall have the following rights:
  - To be represented by legal counsel at the student's expense;
  - To cross-examine witnesses;
  - To testify and produce witnesses on his/her behalf; and

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

### Expulsion Decision by Board of Education

- Decision after Hearing Officer Presides over Hearing
  - Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent.
    - The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.
  - The Board of Education shall make its decision at the next scheduled public Board Meeting or additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.
    - The Board shall conduct a review of the Hearing Officer's recommendation. The Board may accept, reject, or modify the recommendation of the Hearing Officer. The Board's decision shall be in writing and shall be based solely upon the report from the Hearing Officer and the record of the Expulsion hearing, if any.
- Decision after Board of Education Presides over Hearing
  - Following the conclusion of an Expulsion hearing conducted by the Board of Education, the Board shall frame the issues, summarize the evidence, state conclusions of fact and render its decision.
  - The Board's decision shall be in writing and shall be based solely upon the record of the Expulsion hearing of which it presided over.
- Decision After Waiving of Hearing Rights and Admission to Violation Charges
  - Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent shall prepare a report for the Board of Education's action at its next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.
- Eligible expelled students shall be placed in a Consortium Discipline Alternative Program in accordance with 14 **Del.C.** §1604 and 14 **DE Admin. Code** 611. The Board shall determine if the students not eligible for placement in a Consortium Discipline Alternative Program shall be expelled with or without Appropriate Educational Services.
- Any decision to expel a student shall be reported to the Delaware Department of Education within five (5) business days of the Board's decision to expel. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision shall address with specificity the reason for non-placement and the evidence in support thereof. Such decisions shall be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's Parent.
- Except as is otherwise provided herein, within ten (10) business days of the decision by the Board, the Board, through its designee, shall submit its decision to the Superintendent and Parent and student in writing. The written decision shall include notice of the right to appeal to the State Board of Education.

### Calculation of Time

- In calculating the period of time for the term of the Expulsion, school days will be used. Students receiving residential services from a Department of Services for Children, Youth and Their Families (DSCYF) program

shall have the amount of school days served in such a program counted as part of the calculation of time for an Expulsion. This does not preclude a district/charter from transitioning a student from a YRS program to the Regular School Program through an Alternative Program. However, transition through an Alternative Program is not required.

## Student Grievance

A grievance is another name for a complaint. A student grievance exists when it is alleged that a student has been treated unfairly or had not been afforded due process.

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

- Students or groups of students.
- Parent/guardian of a student.
- Groups of parents/guardians of students.

The grievance procedure may be used as follows:

- Where it is alleged that any student or group of students is being:
  - Denied access to an appropriate educational opportunity.
  - Denied participation in any school activity for which student is eligible.
  - Denied the opportunity to compete for a position in an activity where the selection is limited.
  - Subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.
- Where it is alleged that the rights of an individual student and/or group of students are being denied or abridged.

## Grievance Procedures

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

- The grievant shall request, in writing, within three (3) school days of the action that is the subject of the complaint, a conference with the person(s) who allegedly treated the student unfairly.
- A conference shall be held within one (1) to four (4) school days after the request.
- If the conference does not resolve the complaint, the grievant may file a written grievance with the principal specifying what decision/action is being grieved and why within three (3) school days following the conference.
- The principal shall resolve the appeal by investigating the situation, reviewing the grievance and relevant records or documentation, and will schedule a conference with the grievant to address the grievance no later than (5) school days following the receipt of the notice of appeal and shall issue a written determination within five (5) school days following the investigation/conference. If the discipline will result in a consequence that is less than an out-of-school suspension, the principal's decision is final.
- If the grievance decision at the principal's level is not acceptable and the consequence will result in out-of-school suspension, alternative placement, or expulsion, then the principal's decision may be appealed to the Superintendent. A grievant wishing to appeal the principal's decision must file a written appeal with the Superintendent specifying the decision that is being appealed and why within three (3) school days of the date of the principal's written decision.
- The Superintendent/designee shall resolve the appeal by investigating the situation, reviewing the written appeal/records, and scheduling a conference with the grievant to hear the grievance within five (5) school days following the receipt of the notice of appeal and shall issue a written determination within five (5)



school days following the conference. If the discipline results in a consequence that is an out-of-school suspension, an alternative placement, or less, the Superintendent's decision is the final decision.

- If the grievance decision at the Superintendent level is not acceptable and the consequence will result in a possible expulsion, the Superintendent's decision may be appealed to the Board. This appeal must be submitted, in writing specifying what decision is being appealed and why within three (3) school days of the date of the Superintendent's written decision.
- The Board/designee shall resolve the grievance by investigating the situation, reviewing the written appeal/records, and scheduling a conference with the grievant to address the grievance within five (5) school days of its receipt and shall issue a written determination within five (5) school days following the conference. The decision of the Board shall be the final decision of the school system.

# Chapter 6- Student Code of Conduct

The Student Code of Conduct defines specific acts that are considered violations of expected student behavior. School rules come from many sources including State Law, Red Clay Consolidated School District Board of Education Policy, and Red Clay Consolidated School District Guidelines and Regulations. These violations are examples of those acts that disrupt the school environment and the instructional process.

The aim of this chapter is to provide school personnel, parents, students, and the community with a clear understanding of these violations and the resulting administrative 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.

The following section lists and defines violations to behavioral expectations and administrative guidelines for interventions and consequences. 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.

## Medications

Prescription medications should not be in the possession of any student at school. If a student is required to take a prescription medication at school, it should be brought to (and taken from) the school nurse by a parent or guardian and left with the school nurse. If a student is found to be in possession of a medicine prescribed to that student and in its original labeled container the following steps will be taken:

1. The parent will be contacted.
2. The student will receive a written warning requiring the parent's signature.
3. The medication will be confiscated and given to the school nurse.
4. Second and subsequent violations of this medication policy will be treated as Defiance of School Authority.

The possession of a prescription medication that is either not prescribed to the student who possesses it or is not in its original, labeled container may be treated exactly like the possession of an illegal drug.

## Administrative Guidelines for Drug and Alcohol Violations

SITUATION/ CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION	DISPOSITION OF SUBSTANCE	CONSEQUENCES - DISCIPLINE
A student is suspected of possible drug/ alcohol use. There is no physical evidence of a violation.	Inform the student of available services and encourage him/ her to seek assistance.  I Tracker Entry	Investigation is limited to the staff member, counselor, nurse, and administration.	Notification of Parents: YES  Notification of Police: Not applicable	Not applicable.	—
A student contacts a staff member regarding drug/ alcohol use by another student.	The student who contacts the staff member should encourage the other student to seek assistance.	Investigation is limited to the staff member, counselor, nurse, and administration.	Notification of Parents: YES  Notification of Police: Not applicable.	Not applicable.	—
A student volunteers information about personal drug/ alcohol use and asks for help.	Inform the student of available services and encourage him/ her to seek assistance.  I Tracker Entry	Investigation by appropriate school personnel.	Notification of Parents: YES  Notification of Police: Not applicable.	Not applicable.	—
A student has a medical emergency due to use of drugs or alcohol (First Offense).	Contact the nurse.  Transport the student to a medical facility by ambulance.  Contact building administrator.  State Report Form	Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.  Confiscate evidence.	Notification of Parents: Yes, parent conference arranged as soon as possible.  Notification of Police: Yes.	Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.	<a href="#"><u>See Levels of Consequences below.</u></a>

SITUATION/ CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION	DISPOSITION OF SUBSTANCE	CONSEQUENCES - DISCIPLINE
A student possesses alcohol, a drug, drug-like substance, and/ or a look-alike substance, in an amount typical for personal use, and/or drug paraphernalia (First Offense).	Contact building administrator. SBR  State Report Form	Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.  Confiscate evidence.	Notification of Parents: Yes, parent conference arranged as soon as possible.  Notification of Police: Yes.	Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.	<a href="#">See Levels of Consequences below.</a>
A student uses or is under the influence of drugs/ alcohol (First Offense).	Contact building administrator. SBR  State Report Form	Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.  Confiscate evidence.	Notification of Parents: Yes, parent conference arranged as soon as possible.  Notification of Police: Yes.	Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.	<a href="#">See Levels of Consequences below.</a>

A student possesses a quantity of alcohol, a drug, a drug-like substance, a look-alike substance and/ or drug paraphernalia in an amount which exceeds an amount typical for personal use, and/ or distribution of the above- named substances or paraphernalia.	Contact building administrator. SBR  State Report Form	Building administrator investigates the incident. This may include a search of the student, his/ her locker, and/ or other personal possessions.  Confiscate evidence.	Notification of Parents: Yes, Parent Conference arranged immediately.  Notification of Police: Yes.	Analysis will be made by appropriate law enforcement agency, which may be used in further proceedings.	<a href="#">See Levels of Consequences below.</a>
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## Uniform Definitions for Student Conduct

**Abusive Language/Gestures (S0301):** shall mean student uses, or threatens to use, written or spoken language, gestures, electronic images, photos or actions, which are offensive, obscene, and/or vulgar.

**Alcohol Possession and/or Use (D0501):** Student is in possession or consumes any alcoholic beverage.

**Arson (C0133, C0134):** a person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.

**Assault I (C0107):** Student intentionally causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or the student intentionally disfigures another person seriously and permanently, or intentionally destroys, amputates or permanently disables a member or organ of another person's body.

**Assault II (C0106):** The student recklessly or intentionally causes serious physical injury to another person; or the student recklessly or intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

**Assault III (C0201, D1701, D1702):** (1) A 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 a Dangerous Instrument.

**Attorney General's Report (Juvenile Arrest Warrant and Complaint) (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.

**Breaking and Entering (S0272):** means 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.

**Bullying (D0701):** means 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.

**Cell Phone and All Other Electronic Devices, Unauthorized Use of (S0311):** The unauthorized use of electronic devices, including but not limited to, cell phones, video games, and communication devices, that result in a disruption to the educational process or jeopardized the health, safety or welfare of students or staff. This includes students who video record, audio record and or share recordings.

**Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of:** the Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1460 inclusive.

**Criminal Drug Offense, Commission of:** the Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug, a Drug-Like Substance, and/or Drug Paraphernalia.

**Criminal Mischief (Vandalism) (D0301):** a student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tamper with tangible property of another person so as to endanger person or property.

**Criminal Sexual Offense, Commission of:** the Commission by a student of an offense prohibited by 11 Del.C. §§763 through 780B and §§1108, 1112B and §1352 through §1353.

**Criminal Violent Felony Offense, Commission of:** the Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).

**Cyberbullying(D0701):** 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.

**Dangerous Instrument(s), Possession/ Concealment/Sale of: (C0621) :** the unauthorized possession, concealment, or 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.

**Deadly Weapon(s) Possession/Concealment/Sale of (C0601-C0626):** shall mean the possession, concealment, or sale of a deadly weapon in the school environment.

**Defiance of School 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.

**Disruption of the Educational Process (S0091):** Behavior that seriously disrupts, or is intended to disrupt, any school activity or the orderly operation of the school, including but not limited to, boycott, sit-ins, and walk-outs.

**Driving, Unsafe (S0121 or S0122):** Student drives any vehicle on school property with reckless regard for the safety of persons or property.

**Drug Paraphernalia:** Student is in possession of any equipment that is used to produce, conceal, or consume illicit drugs.

**Distribution of Drugs and/or Alcohol and/or Drug Paraphernalia:** (C0701-C0704, C0713, D0501, D1201, D1301): the sale, transfer, or distribution in school, on school property, or on school field trip of drugs or alcohol.

**Drug or drug-like substance, Use and/or Possession of:** (C0701-C0704, C0713, D0501, D0502, D1201, D1301): in the School Environment a student unlawfully possesses, uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

**Explosives (C0622):** Student possesses and/or conceals articles that could explode, burn, detonate, or have potential for bodily harm, damage, and/or disruption.

**Extortion (C0141):** to obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.

**Felony Theft (D0601):** (a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.

**Fighting (D1101):** Any aggressive physical altercation between two or more individuals.

**Fire Alarm Incident: (S0151):** Intentionally pull a fire alarm knowing that there is no emergency incident.

**Forgery/Falsification (S0321 or S0322):** Falsely or fraudulently signing or altering a document such as a hall pass, early dismissal note, progress report, absence excuse, etc. Forgery should also mean impersonating another student or falsely identifying oneself or others.

**Gambling (S0241):** Participation in games of chance for money or other things of value.

**Gun Free Schools Violation:** the prohibited bringing to school, or possession while in school of a firearm by a student.

**Harassment:** any actions or statements made with the intent to harass, annoy, or alarm another person which: A) insults, taunts, or challenges the other person or; B) 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.

**Hate Crimes: (C0151):** A crime, typically one involving violence, that is motivated by prejudice on the basis of race, religion, sexual orientation, or other grounds.

**Hazing:** An act that subjects a student to potential harm and is affiliated with initiation into a student organization or team. Hazing may involve an act committed against a student or a situation in which a student is coerced into committing an act.

**Inappropriate Behavior: (S0101-S0107):** Behavior which produces distractions, friction or disturbances which seriously or repeatedly interfere with the effective function of the teacher and/or students within the school environment including, but not limited to, actions that could endanger the safety and welfare of others, or plan to violate the school code of conduct.

**Inhalant Abuse: (D1201):** Chemical vapors that are inhaled for their mind-altering effects.

**Leaving Assigned Area Without Permission (S0052):** Once a student arrives in class or assigned area, they may not leave unless authorized to do so by the teacher/educator.

**Leaving School Grounds Without Permission (S0051):** Once a student arrives at the school campus, they may not leave, unless authorized to do so, until the end of the student's scheduled day. The parking lot is off limits during school hours. Returning to school after leaving without permission may be considered reasonable suspicion to conduct a search.

**Loitering/Trespassing (S0071,S0271):** Individual is present in any school area or school bus without authorization.

**Medication, Inappropriate Use or Possession of (D1601,C0719,C0701):** Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.

**Misuse of Technology (S0181):** The use of school technology equipment in: soliciting, using, receiving or sending pornographic or obscene material; or accessing unauthorized email; or the unauthorized 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.

**Offensive Touching (D0801, D0802):** 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.

**Pornography (D0101):** the possession, sharing, or production of any known obscene material in the School Environment.

**Rape or Attempted Rape (C0122-C0125):** sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.

**Reckless Burning (S0152):** A student is guilty of reckless burning or exploding when the person intentionally starts a fire or causes an explosion, whether on the person's own property or on another's, and thereby recklessly places a building or other real or personal property of another in danger of destruction or damage or places another person in danger of physical injury.

**Repeated Violations of Student Code of Conduct (S0333):** five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.

**Robbery (C0137, C0138):** the taking of something of value from another person using force or violence or the threat of force or violence.

**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 of Title 11; Sexual Intercourse as defined in §761 of Title 11; sexual penetration as defined in §761 of Title 11; and child sexual abuse as defined in §901 of Title 10.

**Sexual Harassment (D1001):** Threatening to engage in conduct likely to result in the commission of sexual offense against any person; or suggesting, soliciting, requesting, commanding, importuning or otherwise attempting to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person.

**Sexual Misconduct (S0108):** a consensual sexual act or acts between individuals within the School Environment.

**Skipping Class (S0041):** Student does not attend class when scheduled to do so.

**Stealing (S0111):** Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.

**Teen Dating Violence (D2011):** Assaultive, threatening or controlling behavior, including stalking as defined in §1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. This behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

**Terroristic Threatening (D0901):** (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 (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.

**Tobacco Use, Sale and/or Possession: (D1401)** Using, possessing, selling or dispensing of any tobacco product, tobacco like, or tobacco substitute products (which include e-cigarettes, juling, and vaping).

**Unexcused Tardiness (S0031, S0032):** Student is unexcused late to class or school.

**Unlawful Sexual Contact (C0121, C0120, C0301,D1801,D1802):** Student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person. The student knows that the contact is either offensive to the victim or occurs without the victim's consent.

**Unsafe Items (S0131, S0132):** Possession of any item or device that may be deemed by building staff as disruptive or having potential for causing disruption (bullet, shotgun shell, fireworks, firecracker, etc.)



## Behavioral Matrix- Levels of Interventions/Consequences

The matrix and charts below outline administrative guidelines for administrators.

Offense/Violation	1	2	3	4	5
Abusive Language/Gestures	X	X	X	X	
Alcohol Possession and/or use		X	X	X	
Arson			X	X	X
Assault I				X	X
Assault II			X	X	X
Assault III		X	X	X	
Attorney General's report	X				X
Breaking and Entering	X	X	X		
Bullying	X	X	X	X	
Cell phone and all other electronic devices, unauth	X	X	X	X	
Criminal Deadly Weapons/Dangerous Instruments Offense, Commission Of			X	X	X
Criminal Drug Offense, Commission of		X	X	X	X
Criminal Mischief(Vandalism)	X	X	X		
Criminal Sexual Offense, Commission of			X	X	X
Criminal Violent Felony Offense, Commission of				X	X
Cyberbullying	X	X	X	X	
Dangerous instruments/Possession, Concealment, Sale Of		X	X	X	X
Deadly Weapon- possession, concealment, sale of			X	X	X
Defiance of School Authority	X	X	X		
Disruption of the Educational Process	X	X	X		
Driving, Unsafe	X	X	X		
Drug Paraphernalia		X	X		
Drugs or drug like substance, intent to deliver, distribution of				X	X
Drugs or drug like substance, use or possession of		X	X	X	
Explosives			X	X	X

<b>Offense/Violation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Extortion		X	X	X	
Felony Theft(\$1,500 or More)				X	X
Fighting	X	X	X	X	
Fire Alarm Incident		X	X	X	
Forgery/Falsification	X	X	X		
Gambling	X	X	X		
Gun Free Schools Violation			X	X	X
Harassment		X	X	X	
Hate Crimes		X	X	X	X
Hazing			X	X	
Inappropriate Behavior	X	X	X	X	
Consensual Sexual Misconduct		X	X	X	
Inhalants			X	X	
Leaving Assigned Area Without Permission	X	X	X		
Leaving School Grounds Without Permission		X	X		
Loitering/Trespassing		X	X	X	
Medications, Inappropriate Use or Possession of		X	X	X	
Misuse of Technology		X	X	X	
Offensive Touching		X	X	X	X
Pornography		X	X	X	X
Rape, attempted rape					X
Reckless Burning		X	X	X	
Repeated Violations to the Code of Conduct			X	X	X
Robbery			X	X	X
Sexual Assault			X	X	X
Sexual Harassment		X	X	X	X
Sexual Misconduct, Consensual	X	X	X	X	
Skipping Class	X	X	X		
Stealing	X	X	X		
Teen Dating Violence			X	X	X
Terroristic Threatening			X	X	X

<b>Offense/Violation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Terroristic Threatening- Security Threat			X	X	X
Tobacco- Use, Sale or Possession	X	X	X		
Unexcused Tardiness	X				
Unlawful Sexual Contact			X	X	X
Unsafe Items	X	X	X		

## Interventions- Administrative Guidelines

Red Clay School District believes in creating a positive school climate, both socially and academically. Red Clay's approach emphasizes proactive and preventive strategies for supporting and teaching appropriate behaviors. Behavioral supports and interventions are implemented using a five-tiered approach. The student supports and interventions are to be used in a proactive and preventive nature and can be used to support students after a behavior violation has occurred to help prevent future occurrences.

	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>	<b>LEVEL 5</b>
	<i>Classroom Level interventions</i>	<i>Level 1 Interventions may also be appropriate.</i>	<i>Level 1-2 Interventions may also be appropriate.</i>	<i>Level 1-3 Interventions may also be appropriate.</i>	<i>Level 1-4 Interventions may also be appropriate.</i>
	<i>If these interventions are successful, referral to the school administrator may not be necessary.</i>	<i>In some cases, referral to the school administrator may be necessary</i>	<i>RAP referral required</i>	<i>RAP referral required.</i>	<i>RAP referral required.</i>
	Staff explanation, modeling, and correction	Behavior contract	Conference with parent/guardian, teacher, and administration	Referral to School PST team	Revise Behavior Support Plan, as needed
	Removal of unsafe item	Conference with parent/guardian and teacher	Referral to student Support Team/MTSS	Parent/guardian shadow or observe student in school	Student Re-entry Plan
	Offering Choices	Check-in/Check-out (CICO)	Mentoring	Safety Plan	Collaboration among community resources, agencies, and parent groups (i.e. Higher Level of Care)
	Increased Reinforcement	Visual Schedule	Referral to a School Social Skills Group	Schedule Change	

<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>	<b>LEVEL 5</b>
<i>Classroom Level interventions</i>	<i>Level 1 Interventions may also be appropriate.</i>	<i>Level 1-2 Interventions may also be appropriate.</i>	<i>Level 1-3 Interventions may also be appropriate.</i>	<i>Level 1-4 Interventions may also be appropriate.</i>
<i>If these interventions are successful, referral to the school administrator may not be necessary.</i>	<i>In some cases, referral to the school administrator may be necessary</i>	<i>RAP referral required</i>	<i>RAP referral required.</i>	<i>RAP referral required.</i>
Incentive/Reward systems	Specialized break passes		Explicit instruction in emotional regulation	
Flexible Seating	Reteaching of rules/expectations		Functional Behavior Assessment	
Opportunities for Movement	Increased ratio of positive to negative acknowledgements		Behavior Support Plan (BSP)	
Proximity Control				
Parent/guardian notification				
Teacher conference with student				
Restorative Conversation/circle, if appropriate				
Refocus Area/Cool Down Area in Classroom				
Peer Buddy				
Longer Transition Time				

## Consequences- Administrative Guidelines

A major consideration of the Student Code of Conduct is to identify appropriate disciplinary consequences resulting in student accountability and improved behavior. While administrative personnel bear the major responsibility for effectively carrying out the discipline policies, all staff play a vital role in resolving problems influencing student behavior.

Administration will choose one or more of the consequences in the corresponding level. The lowest available level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
		<i>Level 1 Consequences may also be utilized.</i>	<i>Level 1-2 Consequences may also be utilized.</i>	<i>Level 1-3 Consequences may also be utilized.</i>	<i>Level 1-4 Consequences may also be utilized.</i>
	Reprimand	Work Assignment	Class or schedule change	4-10 day suspension	Extended suspension 11+ days
	Parent Contact	Confiscate item	1-3 day suspension	Referral to alternative education program	Recommendation for process to determine appropriate disciplinary action
	Temporary removal from class	Suspension of privileges	Denial of driving privileges	Denial of Bus Transportation 6-10 days	Expulsion (to be considered only in most severe cases)
	Restitution	In-school suspension	Referral to Police		
	Detention	Parent Conference	Readmission Conference		
			Denial of Bus Transportation 1-5 days Behavior Contract		

## Definitions of Consequences

**Behavioral Contract:** A written agreement among a student, the student's parent, and an administrator, which specifically states the conditions that, unless met, will result in further disciplinary action and possibly a recommendation for expulsion/ due process.

**Class or Schedule Change:** A change to the students schedule or order of class periods.

**Confiscate Item:** The removal of a disruptive or unsafe item from a student.

**Denial of Bus Transportation:** The temporary or permanent loss of bus transportation for failure to follow the Bus Safety Rules and bus regulations. A school administrator or designee is responsible for issuing bus suspensions. During the denial of school bus transportation, parents are responsible for transporting the student to school.

**Denial of Driving Privileges:** The denial of driving privileges is the removal of permission to drive on school property for a specified period of time.

**Detention:** An established non-instructional time when a student is detained in a supervised area.

**Expulsion:** Disciplinary Action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Regardless of whether without or with services, including Alternative Placement, the expelled student is not eligible to enroll in any other Delaware public school during the period of the Expulsion and until any reasonable terms of the Expulsion are fulfilled. **Duration and Consequences of Expulsion:**

- The length of the expulsion shall be determined by the Red Clay Consolidated School District Board of Education on recommendation from the Superintendent.
- The parent(s)/guardian(s) of a student who has been expelled for an indefinite period of time may petition the Red Clay Consolidated School District Board of Education for the student's re-admission at the end of 180 school days following the district-level hearing, which resulted in the recommendation of expulsion.
- A student re-admitted to school after an expulsion shall be on probation for one (1) school year following the date of readmission.
- A student who is expelled shall be denied attendance at any school or facility in the Red Clay Consolidated School District, except students who have been expelled from their regular school program and are placed by the Red Clay Consolidated School District in an alternative school/program housed in a Red Clay Consolidated School District school or facility.

**In-School Suspension:** The temporary placement of a student to a supervised area for a period of time.

**Parent Conference:** A formal discussion in-person or by phone as determined by administration/designee.

**Parent Contact:** A verbal and/or written communication with a parent.

**Readmission Conference:** A required conference in conjunction with each suspension in a format mutually agreeable to the administration and parent.

**Recommendation for Process to Determine Appropriate Disciplinary Action:** A formal discipline hearing held at the district level by the Superintendent or designee. These hearings are held when a student commits an offense or offenses that may result in expulsion.

**Referral to Alternative Education Program:** A recommendation of a student to be placed in a program outside of the school setting.

**Referral to Police:** Reporting of an alleged illegal act to a law enforcement agency.

**Reprimand:** A verbal or written warning of unacceptable behavior.

**Restitution/Restoration:** The payment for and/or restoring of property or articles that have been stolen/damaged.

**Suspension, Short Term- Disciplinary Action** approved by the Principal or School Discipline Committee resulting in the student being removed from his Regular School Program for at least one (1) school day and not more than ten (10) consecutive school days. Student maintains enrollment in district/charter, but is excluded from all school activities including, but not limited to extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when Short-term Suspension is out-of-school.

**Suspension, Long Term- Disciplinary Action** approved by the Superintendent upon recommendation of the Principal or District Alternative Placement Team resulting in the student being removed from the Regular School Program for eleven (11) consecutive school days or more and not to exceed the total number of school days in a school year. Student chooses to waive his right to a formalized due process hearing as outlined in Section 10.0 of this regulation, maintains enrollment in the district/charter, and is provided Appropriate Educational Services during the term of the suspension, but is excluded from all school activities including, but not limited to, extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when suspension is out-of-school.

**Suspension of Privileges:** The temporary removal of a student from non-instructional activities for a period of time (sporting event, club, dance, etc)

**Temporary Removal from Class:** The removal of a student from class for a period of time when the student's conduct is disruptive and reasonable efforts to resolve were unsuccessful. The student must be sent to a supervised area designated by the administrator or designee.

**Work Assignment:** An assigned task that must be completed by the student.

# APPENDIX





# BOARD POLICY 8023

## Policy 8023: Bullying Prevention

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### **Bullying Policy Statement**

The Red Clay Consolidated School District recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and all employees. In order to accomplish that goal, the District requires that each school implement and monitor a Bullying Prevention and Response Policy which meets the requirements of 14 DEL C. 4112D as well as the physical and emotional needs of each and every one of our students.

The District hereby prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

### **Definition of Bullying and Cyberbullying**

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

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.

B. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or

(2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.

2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

### **Bullying Prevention and Criminal Youth Gang Detection Training**

The District will provide a combined training each year totaling at least one (1) hour in the identification and reporting of criminal youth gang activity pursuant to § 617, Title 11 of the Delaware Code and bullying prevention pursuant to § 4112D, Title 14 of the Delaware Code. The training materials shall be prepared by the Department of Justice and the Department of Education in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. § 1305(e).

All school employees shall either attend the provided training session or watch the DDOE online professional development workshop each school year prior to November 30th. Administrators and Faculty members must document completion using the DDOE professional development web portal. Support staff (Facilities, Nutrition Services, Secretarial staff and Transportation employees) must watch the DDOE presentation and sign the DDOE training acknowledgment. Completed forms must be delivered to the Supervisor of Public Safety before the November 30th deadline.

### **School-Wide Bullying Prevention Programs**

Each School shall establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the site-based committee shall be members of the school professional staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 7 through 12), parents and staff from the before- or after-school program(s). These representatives shall be chosen by members of each respective group except that representatives of the non-employee groups shall be appointed by the school principal. The committee shall operate on a 1-person, 1-vote principle. In the event a site-based school discipline committee has been established pursuant to § § 1605(7) a and b, of Title 14 of the Delaware Code, that committee shall vote whether or not to accept the aforementioned responsibilities.

Each school will focus bullying prevention and response efforts to address all forms of bullying including: physical, emotional, written and electronic bullying. Bullying which occurs using any social media network or electronic devices such as cellular telephones, whether it occurs on

or off of the school campus, but has a substantial impact on the school environment WILL be investigated and treated in the same manner as any other bullying allegation. The Code of Conduct shall be enforced for electronic (cyber) bullying as well as all other forms of bullying.

Each school shall designate an employee to serve as the Bullying Compliance Coordinator. This employee shall insure that all allegations that are received are investigated and documentation submitted to the Building Administrator for review and action if necessary.

### **Reporting Requirements and Procedures**

Any school employee who has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to administration. The designated Bullying Compliance Coordinator will document (or insure that others have documented) the details of the allegation in the DDOE Alleged Bullying Report system on E-School.

A student and parent, guardian, relative caregiver, or legal guardian shall follow the procedures listed below to provide information on bullying activity:

1. If a child complains of bullying while it is happening, the staff member shall respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.
2. If a child expresses a desire to discuss a personal incident of bullying with a staff member, the staff member shall make an effort to provide the child with a practical, safe, private, and age-appropriate method of doing so.
3. A letter box shall be placed in a place or places selected by the Coordinating Committee so that students who feel unable to talk to any staff can have a point of contact. Information found in the box shall be treated with care and a staff member or members shall be designated to be responsible for this information. Blank “Bullying: Request for Support” forms shall be available to all students but shall not be required for a report.
4. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
  - a. Conduct involved;
  - b. Persons involved, designated bully, target, and bystanders’ roles;
  - c. Time and place of the conduct alleged, number of incidents;
  - d. Names of potential student or staff witnesses; and
  - e. Any actions taken in response.
5. Short, easy to use complaint forms shall be provided by the principal or District office.
6. A system shall be established whereby students can submit anonymous complaints of bullying that only designated persons will have access to. Any person may submit a bullying complaint using the Department of Public Safety Anonymous Tip Line or by contacting the Delaware Attorney General’s Office Ombudsman hotline number.

7. Anyone may report bullying and a report may be made to any staff member. Staff members should encourage that reports of bullying be made in writing.
8. Each principal shall designate a person or persons responsible for responding to bullying complaints.
9. Every identified complainant who files a written complaint with a staff member shall receive a written explanation of results to the extent that it is legally allowed and shall be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms shall be made available.
10. Every confirmed bullying incident shall be recorded in e-School, which shall provide a central record for designated staff to read. This record shall give an indication of patterns which may emerge of both bullies and victims.

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

### **Investigative Procedures**

Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.

1. All complaints shall be appropriately investigated and handled consistent with due process requirements.
2. Each principal shall designate a person or persons to serve as the Bullying Compliance Coordinator.
3. Neither complainant nor witnesses shall be promised confidentiality at the onset of an investigation; however, efforts shall be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person shall make efforts to document the bullying from several sources. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities.
4. After receiving notice of the suspected bullying, the designated person shall review the complaint in conjunction with any other related complaints, and reasonable steps shall then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.
5. Once the administrator has confirmed that a person has been the victim of bullying, the administrator shall take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The

administrator shall avoid forewarning the student suspects and shall interview suspects separately and in rapid succession.

6. After identifying those who committed the act or acts of bullying, the administrator shall apply disciplinary action and the range of consequences identified in Board Policy 8023. The bully shall be informed that graduating consequences will occur if the bullying continues.
7. The administrator shall keep a written record of the bullying incident and any disciplinary actions taken, as well as a record of any written statements of those committing the bullying, victims, and witnesses. Discussions with all parties shall be documented as soon as possible after the events. The school shall not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.
8. A follow-up shall be completed two weeks after an incident to determine whether the bullying has continued and whether additional consequences are needed. An additional follow-up shall occur in two months, regardless of whether new incidents have been reported.
9. Each bullying allegation as well as confirmed incident shall be recorded in E-School.

All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or his designee within five (5) working days pursuant to Department of Education regulations.

The school administration should be aware that some acts of bullying may also be crimes which under the School Crime Reporting Law (14 Del. C. 4112) are required to be reported to the police and /or the Department of Education.

The Supervisor of Public Safety shall provide a monthly report of the number of allegations as well as substantiated cases of bullying to the Deputy Superintendent for review.

### **Non-Classroom Supervision**

Each school shall develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

### **Consequences for Bullying**

Consequences for bullying shall be immediately and consistently applied and shall be delivered in a non-hostile manner. The appropriate range of consequences is established in Board Policy 8023. Positive consequences should be given when students are obeying the rules about bullying.

### **Face to face mediation**

The District does NOT endorse the use of face to face mediation sessions between alleged bullies and their alleged victims. Based upon recommendations by the Delaware Bullying Prevention Association best practices, contact between the two parties involved shall be limited during and after the investigation has occurred.

### **Notification of Parents**

A parent, guardian, relative caregiver, or legal guardian of any target of bullying or person who bullies another shall be notified pursuant to 14 DEL C 202(f.) The date and time of this contact as well as who made the contact must be documented in E-School.

The Office of Student Support Services will ensure each school has the state approved form for notification to the parent, relative caregiver, or legal guardian of the name and contact for the Department of Justice School Ombudsperson Contact Information

### **Mandatory counseling session**

In the event of a substantiated case of bullying, both the offender and the victim shall be required to attend at least one counseling session with a school counselor. This session should be held with either the school psychologist, school based mental health provider or a school counselor/student advisor. The purpose of this mandatory session is to discuss issues that led to the situation and any possible mental health needs of either party. Once completed, the date and time of this session shall be recorded in either E-School or RAP as follow up to the substantiated incident.

### **Retaliation**

Retaliation following a report of bullying shall be prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

### **Communication with Medical and Mental Health Professionals**

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

1. Release of information forms to pediatricians and/or primary care physicians and mental health professionals shall be signed by the parent, guardian, relative caregiver, or legal guardian in order for the professional to communicate with school personnel regarding any treatment of a child. Releases shall be signed both at school and at the physician's or mental health professional's office before communication may take place according to Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Family Educational Rights and Privacy Act (FERPA) guidelines.
2. If a parent refuses to sign a release form at school, the school shall review this policy with him/her, explaining the reasons the release would be advantageous to his/her child.
3. After confirmation that a child has been involved in a bullying incident, if the administrator's designee recommends a mental health evaluation be completed, the school may:
  - a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and a treatment plan if identified as appropriate.

- b. Require that the student remain in in-school suspension and that return to a regular class schedule will be contingent upon the clinical evaluation providing recommendations and a treatment plan if identified as appropriate.
4. Summary of this evaluation shall be shared at a meeting with the student, his/her parent/guardian, and the school administrator's designee prior to return to school or the general population.

### **Implementation**

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

### **Immunity**

A school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person or persons using the procedures specified in the school district bullying prevention policy and this Administrative Memorandum, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful, or intentional conduct.

### **Other Defenses**

A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district initiated under this policy provided there is sufficient school nexus.

B. This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district or charter school policy.

### **Relationship to School Crime Reporting Law**

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

### **School Ombudsman and Public Safety Tip Line Information**

The telephone number of the Department of Justice School Ombudsman and information for accessing the District Public Safety Tip Line shall be provided in writing to parents, students, faculty and staff; and shall be on the website of the school district and each individual school. The contact information shall also be prominently displayed in each school.

This is in keeping with the creation of different avenues for parents, students and staff members to effectively report incidents of bullying in a timely and efficient manner.

### **General electronic mediums relevant to electronic bullying.**

Upon implementation of this policy, and again at the beginning of each academic year, the District shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. Postings on Facebook, Twitter, MySpace, YouTube, SnapChat, Twitter, Instagram, KiK and Pinterest shall, at minimum, be included in the list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

This list is NOT considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim shall be considered as an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as “blogs” which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.

### **Distribution**

The policy shall appear in the student handbook and will be placed on the District web site in order to insure availability to the students, staff and parents of the District. If no school handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff. Copies of the individual school Bullying Policy should be printed in the schools “student handbook” if available or on the schools web site. This Administrative Memorandum (The District Bullying Policy) shall be printed in its entirety in the Red Clay Consolidated School District Student Code of Conduct. Any reference to the District or School Policy should also include directions to accessing the policy via the District website or through the District Department of Public Safety.

### **Accountability**

By the first day of December of each school year, each school shall notify the District in writing of its compliance with Board Policy 8023 and with this Administrative Memorandum, and shall submit a copy of the procedures it has adopted under this policy and administrative memorandum to the Delaware Department of Education.

Each school shall verify for the District the method and date that the policy has been distributed to all students, parents, faculty, and staff. Each school will insure that written communication of this policy includes reference to the Attorney Generals Ombudsman Bullying Hotline telephone number in accordance with Delaware Code. The District shall submit a copy of the procedures they have adopted under this policy by January 1, of each school year.

### **Regulatory Compliance**



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

### **Questions**

Questions about the information contained in this Administrative Memorandum should be directed to the Supervisor of Public Safety and/or the Deputy Superintendent.

Last Issued:	09/02/2010
Last Revised:	Not applicable
Attachment(s):	Not applicable

### **References**

14 Del. C. §§1605(7)(a,b), 4112D  
16 Del. C. §§903-904  
14 Del. Admin. C. §624  
Family Education Rights and Privacy Act (FERPA)  
Health Insurance Portability and Accountability Act (HIPAA)



## Teen Dating Violence and Sexual Assault

Students  
Policy  
8026

### Policy Statement

Red Clay Consolidated School District (the “District”) neither condones nor tolerates dating or sexual violence. The following policy is intended to comply with the Delaware School Teen Dating Violence and Sexual Assault Act, and reflects the District’s intent to deal seriously with any allegations of misconduct in violation of Delaware law.

#### **I. Confidentiality**

The District understands that, over time, students may develop close relationships with faculty and staff. When a student confides in faculty and staff, including counselors, teachers, and administrators, the student’s expectation of privacy and confidentiality should be respected. However, students must understand that all District employees have a duty to report known or suspected acts of sexual violence toward a minor or sexual violence that may have occurred in the school environment. In addition, counselors and mental health and medical professionals have a duty to report explicit and imminent threats of violence and suspicions of child abuse.

In the event that any District employee is subject to a duty to report, the District will make every effort to protect students’ privacy by limiting disclosure of information to only those District employees and outside authorities who have a legitimate reason to know of the report.

It is the District’s hope that students who have suffered incidents of dating violence or sexual assault will feel comfortable coming forward, and confiding in counselors, teachers, and administrators, so that they can assist students in seeking help and protecting their safety.

#### **II. Mandatory Reporting**

**School Crimes:** the District is required to report, to the police, a reasonable suspicion that a violent felony, unlawful sexual contact, or sexual assault has occurred in the school environment. In addition, the District is required to report, to the police, the commission of a violent felony, assault, or any sexual offense by a school employee against a student, regardless of where the incident takes place. Sexual offenses by a teacher against a student must also be reported to the

Division of Family Services (DFS) Child Abuse and Neglect Report Line at 1-800-292-9582.

**Sexual Violence:** the District is required to report, to DFS, any abusive sexual behavior committed against a minor, whether it is committed by another minor or an adult. In addition, the police should be contacted.

**Teen Dating Violence:** the District is required to report teen dating violence only under limited circumstances. These include violent felonies, assault, unlawful sexual contact and abusive sexual behaviors against a student 18 years of age or older occurring in the school environment; abusive sexual behaviors against a minor, regardless of where they occur; and threats of harm to others.

**Child Abuse and Neglect:** the District is required to report any reasonable suspicion of physical or sexual abuse of a child, or neglect of a child, to the DFS Child Abuse and Neglect Report Line at 1-800-292-9582. The police may also be contacted.

### **III.**

#### **Responding to Incidents of Dating and Sexual Violence**

##### **A. Mandatory Reporting Not Required**

In those situations where mandatory reporting is not required, the District has developed the following process for addressing teen dating and sexual violence.

**Separate:** The victim and alleged perpetrator will be separated from each other. Under no circumstances will the victim and alleged perpetrator be interviewed together.

**Address:** If substantiated, the alleged conduct will be dealt with in accordance with the school's code of conduct.

**Refer:** The victim will be referred to the school counselor for services and safety planning. The counselor should encourage the victim to seek medical treatment, if applicable, and may inform the victim of community resources and monitor the victim's safety, as needed. In addition, additional services may be recommended depending upon the circumstances.

##### **B. Mandatory Reporting Required**

In those situations where mandatory reporting is required, the District has developed the following process for addressing teen dating violence.

**Separate:** The victim and alleged perpetrator will be separated from each other. Under no circumstances will the victim and alleged perpetrator be interviewed together.

**Report:** The incident will be promptly reported to appropriate outside authorities, including the police and DFS. The school resource officer may also be notified, if applicable.

**Address:** If substantiated, the alleged conduct will be dealt with in accordance with the school's code of conduct.

**Follow-Up:** In addition to the foregoing, the administration in the victim's school should take the following actions, if approved by the investigating agency. First, administration should speak with the victim and alleged perpetrator. The victim should be advised of his/her right to have a support person present during all stages of the investigation. The alleged perpetrator should be made aware that his/her statements may be used in proceedings against him/her.

Administration should also speak with witnesses, and encourage them to come forward. Finally, the administration should work with the victim and his/her parents or guardians to develop a safety plan for the student and pursue community resources that may be available.

### **C. Documentation of Incidents**

Each incident of teen dating violence or sexual assault shall be documented by a school administrator or his/her designee. Records of teen dating and sexual violence shall be maintained in a file separate from the students' academic records, to prevent inadvertent disclosure.

Documentation shall include:

Facts about the incident, including the identity of the alleged perpetrator, any witnesses identified, the nature of the incident including when and where it occurred;

Information about the victim and alleged perpetrator, including class schedules and extracurricular activities;

	<p>Disciplinary and accommodation recommendations, including changes to class schedules;</p> <p>Responsive action taken, including safety plans, referrals for services and counseling, and dispensary action; and</p> <p>Incident updates, including the response to any disciplinary action, compliance by the alleged perpetrator with any remedial actions taken, utilization of referrals for services, reviews of safety plans, and status reports from the victim including any further referrals for services.</p> <p style="text-align: center;"><b>D. Working with Victims</b></p> <p>In working with victims of teen dating violence and sexual assault, victim safety and wellbeing is paramount. In the case of incidents subject to mandatory reporting requirements, any interaction with the victim should be subject to approval by investigating agencies. Provided that the victim’s emotional state enables him or her to participate in the process, administrators should:</p> <p>Conference with the victim; Identify immediate actions that can be taken to increase the victim’s safety and ability to participate in school without fear or intimidation, including positive behavior support interventions. Assist the victim with safety planning for the school day and for after-school activities (i.e., class scheduling and transportation considerations) and monitor the victim’s safety as needed.</p> <p>Inform the victim and parent/guardian of school and community resources as needed, including their right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection from Abuse Order.</p> <p>Encourage the victim to seek medical attention. The victim will not be responsible for out of pocket costs of obtaining a sexual assault exam.</p> <p>Encourage the victim to report further incidents.</p> <p>Inform the victim of his or her right to request an in-school Stay-Away Agreement or another school-based alternative to a protective order. If the victim declines, it should be documented.</p> <p>For situations also involving sexual harassment, inform the victim of his or her right to file a complaint alleging sexual harassment directly</p>	
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with the Title IX Coordinator. A complaint may also be filed with the U.S. Department of Education's Office for Civil Rights. Document the meeting and any action plans.

### **E. Working with Alleged Perpetrators**

In working with alleged perpetrators, focus must be placed on protecting the due process rights of the individual(s) accused of misconduct. In the case of incidents subject to mandatory reporting requirements, any interaction with the victim should be subject to approval by investigating agencies. Subject to those considerations, administrators should:

Conference with the alleged perpetrator and parents or guardians. Tell the alleged perpetrator that any statements made may be part of any future disciplinary, delinquency, protection from abuse (PFA), civil, or criminal proceedings.

Emphasize expectations for positive behavior.

If the allegations are substantiated, identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.

Discuss implications of a Stay-Away Agreement, a school-based alternative to a protective order, or PFA Order.

Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed, *e.g.* domestic abuse intervention services.

Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate the victim, or those who are witnesses, or those investigating an incident will not be tolerated. Emphasize that retaliation is prohibited whether or not the allegations are substantiated.

Increase supervision of the alleged perpetrator as needed. Document the meeting and any action plans.

### **IV. Youth-Produced Sexual Images**

The taking, sending, or possession of nude or explicit photos of a minor may be considered child pornography. The District takes this conduct very seriously, and does not condone youth-produced sexual images, particularly where they are taken or distributed with the intent to cause harm. Any District employee who witnesses or learns of any youth-produced sexual images shall take the following steps:

**Confiscate:** Both the victim’s and the alleged perpetrator’s cell phones or electronic devices will be confiscated. District employees should not view the contents of the phone or electronic device. Phones or electronic devices should be turned over to the responding law enforcement agency.

**Report:** A report shall be made to the school administrator, who will report the situation to the appropriate police jurisdiction, if appropriate.

**Address:** If substantiated, the alleged conduct will be dealt with in accordance with the school’s code of conduct.

**Interview:** The victim and alleged perpetrator shall be separated from each other. Under no circumstances will the victim and alleged perpetrator be interviewed together. In addition, school administration should interview any witnesses, and encourage them to speak up about any additional incidents if they arise. The District’s policies on documenting incidents, and working with victims and alleged perpetrators of teen dating violence and sexual assault also apply to incidents involving youth-produced sexual images.

**V. Violation of This Policy**

The District takes allegations of teen violence and sexual misconduct very seriously. Substantiated incidents of conduct in violation of this policy will be subject to discipline in accordance with applicable codes of conduct. In addition, the District will fully cooperate with investigations and legal action taken by external agencies, including the police and DFS.

The District strictly prohibits retaliation against any individual making a good-faith report of conduct that violates this policy or any individual who acts as a witness or otherwise participates in an investigation of such conduct. Retaliation in violation of this policy will be subject to discipline in accordance with applicable codes of conduct.

**Policy Implementation and Distribution**

The Superintendent shall develop procedures to implement this policy and distribute it widely to the community.

<p><b>Definitions</b></p>	<p><b>Dating Violence:</b> means assaultive, threatening, or controlling behavior, including stalking, 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.</p> <p><b>Sexual Violence/Assault:</b> means 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; sexual contact; sexual intercourse; sexual penetration; and child sexual abuse.</p> <p><b>Sexual Contact:</b> means intentional touching of the anus, breast, buttocks or genitalia of another person, including touching when the body is covered by clothing.</p> <p><b>Sexual Harassment:</b> means threatening to engage in conduct likely to result in the commission of a sexual offense against any person; or suggesting, soliciting, requesting, commanding, or otherwise attempting to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person.</p> <p><b>Sexual Intercourse:</b> means any act of physical union of the genitalia or anus of one person with the mouth, anus or genitalia of another person. Intercourse occurs upon any penetration, however slight.</p> <p><b>Sexual Penetration:</b> means the placement of an object inside the anus or vagina of another person; or the placement of the genitalia or any sexual device inside the mouth of another person.</p> <p><b>Stalking:</b> means knowingly engaging in a course of conduct directed at a specific person where that conduct would cause a reasonable person to either fear physical injury to himself or herself or another person; or suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.</p> <p><b>Youth-Produced Sexual Images:</b> means nude, sexually suggestive, or explicit images possessed and/or transmitted by way of cell phones, electronic devices, or online. Youth-produced sexual images include images produced in the process of “sexting.”</p>	



<b>Responsibility</b>	The Superintendent shall be responsible for compliance.	
<b>References</b>	<p>Title 14, Section 4112 E</p> <p>Related policies: 1003 District Goals and Objectives, 8001 Student Policy Goals</p> <p>Related documents: Red Clay Consolidated School District Administrative Memorandum “Teen Dating Violence and Sexual Assault” RCCSD Student Code of Conduct</p> <p>CPAC Guidelines for Responding to Teen Dating and Sexual Violence in Delaware Schools. <a href="http://courts.delaware.gov/childadvocate/docs/CPAC-Guidelines-for-Responding-to-TDV-and-SV.pdf">http://courts.delaware.gov/childadvocate/docs/CPAC-Guidelines-for-Responding-to-TDV-and-SV.pdf</a></p>	
<b>Adoption Date</b>	04/20/2015	
<b>Revision/ Reapproval Date</b>		



## Suicide Awareness and Prevention

Students  
Policy  
8027

### Policy Statement

The Board of Education is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention, response to suicide or suicide attempt and reporting procedures; and to promote access to suicide awareness and prevention resources. The Board of Education recognizes that youth suicide in the United States accounts for approximately 4,600 deaths annually of young people between the ages of 10 and 24 according to the Centers for Disease Control.

The Board of Education:

- Requires that each school employee shall complete 90 minutes of professional development in the area of youth suicide awareness and prevention and that the material contained in that professional development shall be developed and/or approved by the Department of Education.
- Requires that each school shall create a Suicide Awareness and Prevention Committee to meet the requirements set forth in 14 Del § 4165.
- Prohibits retaliation against an employee, school volunteer or student for reporting the warning signs of suicide.
- Requires a procedure shall be established for the confidential and anonymous reporting of the warning signs of suicide and for communication between school staff members and medical professionals who are involved in the treating of students for suicide issues.

### Responsibility

The Superintendent shall ensure that the Suicide Prevention Policy is enforced.

### References

Title 14 Delaware Code § 4165 Youth Suicide Prevention;  
Board Policy 1007, Compliance  
Series 8000 Administrative Memorandum Youth Suicide Prevention

