

STUDENT DISCIPLINE POLICY

PHILOSOPHY OF DISCIPLINE

The Indian River School District believes that the most effective discipline programs are preventative, clear and flexible enough to accommodate differences in specific situations while maintaining a safe school environment conducive to learning. To achieve this, the IRSD believes students, parents, teachers, support staff and administrators are responsible for developing and maintaining cooperative roles in promoting behavior that encourages a focus on student learning while supporting students in realizing their individual potential and developing into responsible and educated citizens. Therefore:

- School officials are granted the authority to maintain an orderly and safe educational environment that considers student conduct as an essential developmental aspect of learning and citizenship.
- Students have the right to be informed about violation of rules and regulations and be granted the right to a hearing prior to expulsion.
- Minor infractions and misconduct may be handled through conferences with teachers and administrators.
- Procedures for handling infractions may vary in formality in accordance with the seriousness of the action.
- Procedures for the disciplinary action shall be conducted in accordance with the judicial concept of *innocent until proven guilty*.
- Students shall have the right to an education and any disciplinary action regarding their conduct which hampers that right shall be reasonable and within the laws of the State.
- Disciplinary action shall be fair, consistent, and appropriate to the infraction or offense; and follow the district's *Code of Conduct*.

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly states otherwise:

"Administration" means administrative staff from an Indian River School.

"Alcohol" shall have the same definition of 4 Del.C. §101.

"Alternative placement" means the removal of a student from the student's school on a temporary basis and assignment to an alternative program for a duration not to exceed the total number of school days in a school year from the date of approval by the district or charter school level coordinator.

"Alternative Placement Packet" means the documents submitted to the Alternative Placement Team including, a student's academic information, behavioral information including reason for referral to Alternative Placement, attendance information, Individualized Education Plan Program (IEP), 504 plan, and immunization records.

"Alternative Placement Team (APT)" means a team composed of the following: the building principal, or assistant principal, the student's parent, and the school counselor or school social worker.

"Alternative Placement Team Meeting" means a meeting held by the district or charter school's APT to determine the appropriate educational setting for a student whose behavior is within the defined conduct under 14 DE Admin. Code 614 and who has been recommended for placement at an alternative program.

"Alternative Program" means a school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 De Admin Code 614. Alternative programs include any programs managed by a school district, including supportive instruction as defined in [14 DE Admin. Code 930](#) or the Consortium Discipline Alternative Program (Sussex County Opportunity Program in Education (SCOPE).

"Appropriate Educational Services" means instruction and assessment provided by the district and includes access to instructional materials, graded homework and communication with educators as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting a level of proficiency in that curriculum.

"Attorney General's Report" means the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which demonstrates the propensity to show disregard for the health, safety and welfare of others, including, serious acts of violence, weapons offenses, and drug offenses.

"C.A.M.P" means Character Academic Motivational Program, a 5 (five) to 10 (ten) day opportunity for middle and high school students to receive academic and behavioral support in lieu of an extended out of school suspension.

"Commission by a student" means that a student has engaged in behavior equivalent to that which is prohibited by law regardless of whether the student has been criminally convicted of the same.

"Consortium Discipline Alternative Program" or "CDAP" means a school discipline improvement program which serves an organized consortium of school districts, charter schools, or both as provided for in 13 Del. C. Ch. 16.

"Crime" shall have the same definition as provided in [14 Del.C. §4112](#).

"Dangerous instrument" shall have the same definition as provided in [11 Del.C. §222](#).

"Deadly weapon" includes a firearm (any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun), a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any "dangerous instrument" (any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person), which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length. [11 Del.C. §222](#).

"Discipline Record" means all information about the disciplinary action taken against a specific student as a result of any infraction of the district's student code of conduct or other rules.

"Distribute", "Distributing" or "Distribution" shall have the same definition as provided in 16 Del.C. §4701

"District" means the Indian River School District.

"District Level Coordinator" means the administrative staff member who serves as the district representative for long-term suspension, alternative placement, and expulsion.

"Drug" means any controlled substance or counterfeit substance as defined in [16 Del.C. §4701](#).

"Drug Like Substance" means any noncontrolled substance or non-prescription medication that, when misused, is capable of producing a change in behavior, state of mind, or feeling. Examples include glues or inhalants, spray paint or aerosol solvents, caffeine pills or diet pills, the intentional misuse of hand sanitizer or other alcohol- or solvent-based products, and over the counter cough or decongestant medicines used for intoxication, as well as other substances that may cause intoxication or mood-altering effects. The definition does not include tobacco products or tobacco substitutes, which are governed by [14 DE Admin. Code 877 Tobacco and Smoking Policy](#).

"Drug Paraphernalia" shall have the same definition provided in [16 Del.C.](#)

"Expulsion" means 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- from the date of approval by the board.

"Grievance" means a formal complaint, filed per specific district procedures, to school administration regarding a student's rights or liberty interests having been denied or impaired.

"Firearm" is defined in [Section 921 of Title 18](#), United States code.

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

"Hand Sanitizer" means a commercially available health care topical antiseptic product with at least 60% ethanol or 70% isopropyl alcohol content.

"Hearing Officer" means an official appointed by the district to conduct a hearing for a student recommended for disciplinary action which requires a formal hearing. The hearing officer may be an employee of the but shall not have been involved in any review of the student incident at the building or district level.

"Intake Meeting" means the meeting at an alternative program site that is held before the student transitions to the alternative placement. At this meeting the program's rules and expectations are reviewed, paperwork that requires student's and parent's signatures is completed, and the district individualized goals and expectations for the student are reviewed.

"Long-term suspension" means disciplinary action approved by the district level coordinator upon recommendation of the Principal or pending a decision by the district level coordinator regarding an alternative placement, the board of education's decision regarding an expulsion hearing, or other formalized disciplinary action hearing for the student, 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.

"Look Alike Substance" means any noncontrolled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a Drug or a noncontrolled substance capable of producing a change in behavior or altering a state of mind or feeling.

"Marijuana" shall have the same definition as provided in 16 Del.C. §4701

"Marijuana Accessories" shall have the definition as provided in 4 Del.C. §1302.

"Medical Marijuana Oil" shall have the definition as provided in 16 Del.C. §4902A.

"Medication" shall have the same definition as provided in 14 DE Admin Code 817.

"Nonprescription medication" shall have the same definition as provided in 16 Del.C. §4701

"Parent" for the purpose of this policy, parent means a biological or adoptive parent of a child; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives and for whom a Relative Caregiver's School Authorization executed in compliance with 14 Del.C. §202(f)(1) is on file; an individual or entity who is otherwise legally responsible for the child's welfare; a surrogate parent who has been appointed in accordance with 14 DE Admin. Code 926, Section 19.0; or a student who has reached the age of majority as defined in 1 Del.C. §701

"Possess", "Possessing" or "Possession" shall have the definition as provided in 16 Del.C. §4701.

"Prescription drug" shall have the definition as provided in 16 Del.C. §4701.

"Principal" means the building principal, or the equivalent of the building principal-, of any district, or the principal's designee, including a member of the school discipline team.

"Purported controlled substance" Shall have the definition as provided in 16 Del.C. §4701.

"Regular School Program" means student enrollment in a public school, not including specially assigned non-special education or student behavioral intervention programs within or outside the enrolled school, in which the student's classroom or course placement is based primarily on age, grade level, and cognitive abilities as assigned by the administration or an IEP team and the student's participation in daily course instruction and activities within the assigned classroom of course.

“Relative Caregiver or caregiver” means an individual who meets the criteria and requirements of [14 Del.C. §202 \(f\)\(1\)](#).

“School-Based Intervention Program” means a district program that serves students whose behavior disrupts the classroom setting and creates distractions that impede the learning process, but who are not eligible for placement in an alternative program as described in 14 DE Admin Code 611. The program design includes the student’s regular curriculum, as well as character education, social skills development, conflict resolution, access to counseling services and behavior modification strategies.

“School Discipline Team” means a school level team consisting of school personnel who approve disciplinary actions for students, including deans, assistant principals and other school staff assigned to discipline positions.

“School Environment” shall have the same definition as provided in [14 DE Admin. Code 614](#). For this section, this definition also includes any academic or non-academic instructional time conducted through virtual lessons or home visits.

“School property” means any building, structure, athletic field, sports stadium, or real property that is owned, operated, leased, or rented by the Indian River School District including any kindergarten, elementary, secondary, vocational-technical school, or charter school, or any motor vehicle owned, operated, leased, rented, or subcontracted by the Indian School District.

“Sexual assault” 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: 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.

“Suspension” means a temporary separation from school for violations of school regulations or public law dealing with school operations.

“Short-term suspension” means disciplinary action approved by the Principal, or School Discipline Team resulting in the student being removed from the student’s regular school program for at least a ½ school day and not more than ten (10) consecutive school days.

“Student Code of Conduct” means the district approved document which specifies the rights and responsibilities of students, defines conduct that disrupts, threatens, or disrupts and threatens a positive and safe school environment, standardizes procedures for consequences and disciplinary action, and defines due process and grievance procedures.

“Transition Meeting” means a meeting to discuss the student’s return to the regular school program prior to the student’s exit from an alternative placement or a facility operated by the Department of Services for Children, Youth and Their Families (DSCYF).

“Use” means that a student is reasonably known to have voluntarily ingested, smoked or otherwise assimilated Alcohol, a Drug or a Drug Like Substance, or any unauthorized prescription drug or non-prescription medication, or is reasonably found to be under the influence of such substance.

The following words and terms shall be used to understand the student’s alleged criminal conduct in Attorney’s General’s reports:

“Assault” means any offense defined by [11 Del.C. §§611 through 613](#).

“Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of” means the commission by a student of an offense prohibited by [11 Del.C. §§1442 through 1463](#) inclusive.

“Criminal Drug Offense, Commission of” means the commission by a student any controlled substances prohibited by [Title 16](#).

"Criminal Sexual Offense, Commission of" means the commission by a student of an offense prohibited by 11 Del.C. §§763 through 780, 783 through 783A, 787, 1100A, 1108 through 1112B, 1335, 1352 through 1353, and 1361.

"Criminal Violent Felony Offense, Commission of" means the commission by a student of any violent felony as specified in 11 Del.C §4201.

"Sexual assault" 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: 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 offense" means any offense defined by 11 Del.C. §§763 through 780, 783 through 783A, 787, 1100A, 1108 through 1112B, 1335, 1352 through 1353, and 1361.

"Theft" means those acts described in 11 Del.C. §§ 841 through 847 inclusive.

Definitions of Student Code of Conduct Violations

"Academic dishonesty" means fraudulent deception in preparing or presenting course work or class assignments as a student's own work when it is not. This includes: (1) copying another student's work, (2) unauthorized use of notes or sharing answers during a test, (3) presenting another person's work as one's own, (4) presenting quotations, words, or ideas without proper references or credit (plagiarism), (5) unauthorized use of AI for completion of student assignments, and (6) collusion, working together to provide or receive answers on an independent assignment or assessment.

"Assault causing physical injury" means students who intentionally engage in an act that causes physical injury or serious physical injury to another person. This includes bruises, lacerations, puncture and stab wounds, dislocations, sprains, or bone fracture. This offense is not used for students under the age of 12, unless the student causes a serious physical injury, which are injuries that create the risk of death or cause disfigurement, impairment of health, or loss or impairment of the function of any bodily organ or limb.

"Attorney General's report" means a report received by the Delaware Department of Justice regarding students in regular school programs who engage in alleged out-of-school criminal conduct, regardless of jurisdiction, which demonstrates the propensity to show disregard for the health, safety, and welfare of others, including, serious acts of violence, weapons offenses, and drug offenses.

"Bullying" 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 a student's, school volunteer's, or school employee's emotional or physical well-being or substantial damage to a student's, school volunteer's, or school employee's 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.

"Careless and reckless behavior" means unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.

"Consensual sexual misconduct" means consensual sexual acts between students within the school environment. This may require a report to the Delaware Department of Services for Children, Youth and Their Families Division of Family Services.

"Defiance of school authority" means a verbal or non-verbal refusal to comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, or refusal to comply with disciplinary action that

causes either a substantial disruption or material interference with school activities. This does not include a student who walks away to deescalate or manage the student's emotions.

"Destruction of property" means students who damage or deface school property or the personal property of another person. This includes tampering with security, medical, or fire protective equipment.

"Disruptive behavior" means students who intentionally disrupt the school environment by not following expectations or interrupt learning or school activities despite non-verbal and verbal redirection. This can include excessive talking that limits others' ability to learn and behaviors by the student or with other students that are distracting to other persons.

"Distribution of alcohol or drugs" means students who are found to be selling or distributing alcohol, drugs, or other substances in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, look alike substances, nonprescription medication, and prescription medications.

"Dress code violation" means failure to comply with the school-level dress code. Dressing in a manner that is unsafe or disrupts the learning environment. This includes clothing that promotes drugs, alcohol, or profanity.

"Exposure" means students who expose the student's genitals, breasts, or buttocks to another person.

"Falsely signing and impersonating" means falsely or fraudulently signing or altering a document or electronic record such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others inaccurately via electronic, verbal, or written means.

"Fighting" means students who willingly engage in a one-on-one physical altercation. This is a physical altercation in which none of the participants are identified as victims.

"Harassment" means students who engage in unwelcome verbal, written, electronic, graphic, or physical conduct relating to another person's actual or perceived sex, gender, age, race, color, national origin, sexual orientation, gender identity expression, pregnancy or related conditions, religion, disability, English language proficiency, socioeconomic status, or physical appearance. The behavior must be considered severe, persistent, or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

"Hate speech and conduct" means verbal or electronic communication or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear, or causing emotional distress.

"Inappropriate language and gestures" means cursing, swearing, or using written or spoken language, gestures, electronic images, photos, or actions, directed towards another person, that are considered sexually explicit, offensive, obscene, or vulgar.

"Inappropriate touch" means students who intentionally engage in physical aggression towards a school employee, volunteer, or another student either with the student's own body or with an object and it does not result in physical injury. This includes pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on a school employee or volunteer. The behavior does not have to include intent to harm. This offense should be used for students under the age of 12 who caused a physical injury to a school employee, volunteer, or another student that is not classified as serious.

"Instigation" means students incite aggressive or physical conflict between 2 or more students that resulted in a confrontation without directly participating in the confrontation.

"Leaving school grounds without permission" means leaving the school building or the school grounds during school hours without required staff permission.

"Loitering" means student's unauthorized presence in any school area for an extended period of time or student's failure to leave the school grounds at the time designated.

"Misuse of technology" means any use of school technology for unauthorized purposes such as, copying software, inappropriate internet or email usage, unauthorized use of school issued electronic devices, tampering with databases, passwords or configurations, or deletion of files. This also includes the use of school technology equipment in: soliciting, using, or posting on social media; receiving or sending inappropriate images or materials; accessing unauthorized email; the unauthorized downloading or installing of files; or intentionally damaging technology equipment in the school environment.

"Mutual group fight" means students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.

"Other school crime" means any significant incident resulting in disciplinary action not classified previously but required to be reported under the School Crimes Reporting Law (14 Del.C. §4112). This may include arson, manslaughter, or violent felonies as defined by 11 Del.C. §4201.

"Physical restraint - no code violation" means a student was physically restrained by an employee or contractor of a public school district or charter school, private program, or alternative program, but there was no violation of the student code of conduct by the student.

"Possession or production of pornography" means students who possess, share, or produce any known pornographic or obscene material in the school environment. This would include a student who distributes photos or videos of another student who did not consent to getting the student's photos taken or shared, or cannot consent to the photos due to the student's age (under age 12).

"Possession or use of alcohol or drugs" means students who use or are under the influence of alcohol, drugs, or other substances, or who are found to be in possession of alcohol, drugs, other substances, or drug paraphernalia in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, and look alike substances.

"Possession or use of dangerous instrument" means students who possess or use any object, device, or instrument in the school environment classified as a dangerous instrument under 11 Del.C. §222. This includes pellet guns, air guns, tasers, mace, or other dangerous instruments.

"Possession or use of deadly weapons" means students who possess or use any object, device, or instrument in the school environment classified as a deadly weapon under 11 Del.C. § 222. This includes a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, or razor. This does not include toys, or ordinary objects including pocket knives with blades less than 3 inches. Firearms and bombs are captured under separate offenses.

"Possession or use of explosive devices" means students who are found to be in possession or use incendiary devices such as fireworks, firecrackers, pipe bombs, or other explosives in the school environment.

"Possession or use of firearms" means students who possess or use any firearm in the school environment. This includes handguns, rifles, shotguns, starter guns, or other firearms identified in 11 Del.C. §222, whether loaded or not. BB guns are included per 11 Del.C. §1457 and §1457A. This does not include toys, pellet, or air guns; these should be captured under possession or use of dangerous instruments.

"Possession or use of nonprescription or prescription medications" means students who use or are under the influence of nonprescription or prescription medications, or who are found to be in possession of nonprescription or prescription medications in the school environment without proper documentation.

"Possession or use of tobacco or electronic smoking devices" means students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes products containing tobacco, electronic cigarettes, and any vape device.

"Rape" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent, including when a person is unable to give consent. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of rape.

"Robbery" means students who take or attempt to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence, or by putting the victim in fear. A key difference between robbery and theft is that robbery involves a threat or assault.

"Safety violation" means students who engage in any behavior that is not appropriate for school and has the potential to put the students or others in danger.

"Sexual assault" means any sexual act directed against another person without consent, including when a person is unable to give consent. It includes threatened rape, fondling, indecent liberties, or child molestation. Rape is not included. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender.

"Skipping and leaving class" means absence from school or class without authorization or permission or leaving the assigned classroom without permission.

"Tardiness to school and class" means unexcused lateness to school or class without authorization or permission.

"Theft (\$1500 or more)" means students who take school property or the personal property of another person.

"Theft (less than \$1500)" means students who take, obtain, or intentionally have possession of school property or the personal property of another person.

"Threat of physical attack with weapon" means students who threaten to engage in an act that causes harm and introduces fear in another person, and the threat is made while displaying, brandishing, or discharging a weapon but with no actual physical contact of any person. A threat may or may not be made in person. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.

"Threat of physical attack without weapon" means students who threaten to engage in an act that causes harm and introduces fear in another school community member. Threats can be made verbally, in writing, or with gestures and may refer to a weapon that is not present. A threat may or may not be made in person.

"Threatening mass violence" means students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm in the school environment. This includes bomb threats and other threats that are likely to cause an evacuation of a building.

"Unauthorized use of an electronic device" means students who engage in non-educational activities in the school environment, including capturing, distributing, displaying, sharing, or posting of inappropriate images, videos, movies, or music from personal devices. Engaging in social media, texting, playing games, or streaming that disrupts the learning environment.

"Unsafe item" means any item, device, or substance that may be deemed disruptive or is used for a purpose in which it was not intended.

EFFECTIVE IMPLEMENTATION

Students and their parents will be notified of the District's policies and state regulations at the beginning of each school year, and when the student enrolls or re-enrolls during a school year.

For this discipline policy to be effectively implemented, Indian River School District leadership believes parents should be informed at the earliest indication of a discipline problem. In classroom situations where progressive discipline should be used, teachers are responsible for contacting parents by phone or by holding a parent conference, to discuss the behaviors and develop a mutual understanding of expectations, and how the parents can best support the student and teacher in meeting these expectations. The teacher should also communicate the next discipline steps if the behaviors continue. The teacher should document these conversations. Likewise, administrators are strongly encouraged to follow the same procedures with parents.

THE STUDENT CODE OF CONDUCT IS IN FORCE

- On school property, prior to, during, and following regular school hours.
- On school property, prior to, during and following any school activity.
- While students are on the school bus for any purpose.
- At all school-sponsored event and other activities where school administrators have jurisdiction over students
- Off campus
 - The Indian River School District has the authority to suspend or expel students for activities occurring off of school premises when it is determined that the student presents a threat to the safety or welfare of IRSD students or personnel.
 - 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.

STUDENTS WITH DISABILITIES

This policy applies to all students except with respect to children with disabilities, as afforded by applicable federal and state laws.

The district's policies and procedures involving student discipline will be applied to students with disabilities in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and [Title 14, Chapter 31](#) of the Delaware Code. Students with disabilities will, as applicable, be afforded the procedural safeguards available to them by state and federal law. Such procedural safeguards may include the right to a manifestation determination prior to a change in the student's educational placement for disciplinary reasons.

STUDENTS RIGHTS AND RESPONSIBILITIES

Within each school, the principal holds the responsibility and authority to ensure an orderly educational process and foster a positive learning environment. The district upholds students' rights in accordance with state and federal laws, as well as the rules and regulations set forth by the District Board.

Rights and Responsibilities of Possessions

- Students are responsible for their possessions.
- Students have the responsibility not to carry, conceal, or possess any materials which are illegal, disruptive, dangerous, or offensive to others.
- Students are expected to conduct themselves in an orderly, safe and responsible manner.
- Students are expected to attend classes daily, and on time.
- Students have the right to privacy in their personal possessions unless the Principal or the Principal's designee has reasonable suspicion of a student to be in possession of any item that may be in violation of the district policy.

Lockers

Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion. The district presumes a student possesses, and is therefore responsible for all items found in their locker. A student should regularly check the contents of their locker. If a student does not lock one's locker, the student remains responsible for items found in the locker.

Bookbags/Purses

The district presumes a student possesses, and is therefore responsible for all items found in the student's bookbag, purse or similar bag or container used to carry books or personal property. The student should regularly check the contents of their bookbag and purse. Failure to secure one's bookbag and purse, or the act of providing others access to one's bookbag and purse, does not eliminate responsibility for items found in the bookbag and purse.

Motor Vehicles

Student motor vehicle use to, in, and from the school environment is a privilege which may be extended by school districts to students in exchange for their cooperation in the maintenance of a safe school atmosphere. The building Principal or their designee shall be the determiner in issuing student-parking privileges on school grounds. Such privileges may be provided or revoked at the principal or their designee's discretion. Reasonable suspicion of a student who may be in possession of prohibited items and a violation of a district policy may result in the student being asked to open an automobile in the school environment to permit school authorities to search for such items. Failure to open any part of the motor vehicle where such items may be located at the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus. The district presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle. The presumption applies to any car a student drives to school without regard to who owns the car. Before a student brings a car to school or a school activity, they should carefully inspect the car. If a student fails to lock one's car, the student remains responsible for items found in the car.

A student who refuses a search is subject to discipline as outlined in the district's Code of Conduct and may warrant a referral to law enforcement.

Cell Phones/Personal Electronic Devices (PED)

Cell phones and Personal Electronic Devices, defined as any personally owned device capable of voice, text, image, video, data transmission, recording or internet connectivity, including cell phones, smartwatches, headphones or audio earpieces, handheld games, tablets, laptops, wearable technology such as AI-enabled or augmented reality glasses, and other personal electronic devices, (PED) can disrupt the school learning environment.

Grades K-8

Therefore, use or display of cell phones and PED's will not be permitted in elementary and middle school buildings during normal school hours.

- Students must silence and stow away cell phones and PED's prior to entering school
- Cell phones and PED's may not be retrieved by a student until after the end of the student day as determined by the procedures of the individual school
- Cell phones and PED's in use during the school day for any reason will be considered a violation of this policy
- Cell phones and PED's must be surrendered to school district personnel upon request. Failure to do so shall be considered insubordination

The use of cell phones and other personal electronic devices is prohibited in grades K-8. Thus, during the period of confiscation, and at any time when the device is turned over to an employee, the district, each school, and its employees shall not be responsible for safekeeping, loss or damage.

Grades 9-12

Students may possess cell phones or PED's while at school; however, use of these devices is limited to specific times and locations. Students may use cell phones or PEDS:

- For approved instructional purposes within the classroom when authorized by the teacher
- During breakfast and lunch periods within the cafeteria

Students shall be required to place cell phones in designated classroom storage locations or bins at the beginning of each class period, as directed by school staff, and devices shall remain stored for the duration of the instructional period unless authorized for an approved instructional purpose or otherwise permitted by school staff.

Instructional purposes mean the limited use of a cell phone or PED by a student for specific educational purpose that is directly authorized and supervised by a teacher or school staff member. Instructional use may include:

- Accessing approved digital learning platforms
- Participating in classroom polling or academic applications
- Completing research assignments directed by a teacher
- Other learning activities determined appropriate by school staff

Instructional purposes do not include personal communication, social media use, gaming, or entertainment unrelated to classroom instruction.

Cell phone or PED use is not permitted in any other area of the school during the school day unless specifically authorized by school staff.

Consequences for Violations

Students must adhere to the Student Code of Conduct and the Board's acceptable use policy while using their cell phone or other PED while on school property, including use during after-school activities and at school related functions.

A student is prohibited from using their cell phone or PED to capture, record, distribute, display, share or post inappropriate images, videos, audio recordings, movies, or music.

After a teacher or administrator has warned a student and contacted the parents for disruption related to their cell phone or PED, consequences as outlined within the Student Code of Conduct will be administered.

Schools will monitor discipline data related to cell phone and PED policy violations to promote consistent and equitable enforcement and to inform periodic policy review.

Use of Cell Phones on Buses

Cell phone and PED use by students while riding to and from school on the bus, or on the bus during school sponsored activities, shall be at the discretion of the bus driver and staff supervising students on the bus. If approval is granted, students must ensure acceptable use that is not in violation of this, or any other, IRSD policy.

Communication of Expectations

The district recognizes that consistent expectations between school and home support compliance with this policy. Schools will implement guidelines that encourage communication between school staff, parents, and students regarding appropriate cell phone and PED use. The following practices will be used to communicate the expectations of this policy:

- Schools will review cell phone and PED expectations with students and parents during Open House events
- Schools will review cell phone and PED expectations with students through their beginning of the year assemblies
- The policy will be published on the Indian River School District website and the yearly Handbook and Calendar

The Superintendent or their designee is authorized to establish procedures to determine whether exceptional circumstances require exceptions to this policy. Exceptions may include, but are not limited to:

- Emergency situations where communication is necessary to ensure the immediate safety of a student or others.
- Medical accommodations, including when a device is necessary to monitor or support a student's health condition, including students with an IEP or 504
- Educational accommodations when the device is required to support a documented educational need or instructional purpose, including students with an IEP or 504

Parent or student requests for exceptions are required to be submitted in writing to the building principal. Requests must include appropriate documentation demonstrating a legitimate need for the exception, including but not limited to medical, educational or emergency-related circumstances. Approval of any exception will be granted on a case-by-case basis and may include specific conditions or limitations regarding the use of the device.

Indian River School District shall not assume any responsibility for theft, loss, or damage of a cell phone, or unauthorized calls/use of the cell phone.

Search and Seizures

To maintain a safe and secure learning environment, the Indian River School District authorizes the use of handheld metal detection wands and similar screening devices in all schools and at all grade levels.

School administrators or their designees may conduct wand searches of students, student property, lockers, vehicles, and personal belongings when there is reasonable suspicion that the student possesses weapons, drugs, vaping devices, controlled substances, stolen property, or other items prohibited by law or District policy.

All searches shall be conducted in a manner that is reasonable in scope, minimally intrusive, consistent with applicable law, and respectful of student dignity.

Students who refuse to comply with lawful search directives may be subject to disciplinary consequences and/or denial of entry to school property or school-sponsored events.

For law enforcement procedures regarding search and seizures, please refer to policy KNAJ, *Relations with Police Authorities*.

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

Transportation Privileges

Recognizing that pupil safety and welfare on school buses depend, to some degree on the conduct of pupils themselves, and that misbehavior which distracts a school bus driver is a serious hazard to the safety of all passengers, the Indian River School Board, herewith established the following as a means of uniformly dealing with school bus discipline problems:

1. School bus transportation is a privilege extended to all pupils who qualify for same under state law. This privilege may be suspended temporarily or for the remainder of the year for violations of 'School Bus Safety Regulations.' The 'Student Code of Conduct' of the Indian River School District shall be in effect on every school bus transporting Indian River School District students or at any designated Indian River School District school bus stop.
2. Violations of the 'Bus Safety Regulations' are to be submitted by the bus driver on a discipline report form to the appropriate Principal or their designee as soon as practical. Administrators alone have authority to invoke school bus suspensions. When suspensions from school bus transportation are invoked, student's parents will be responsible for providing transportation to and from school.

Extra-Curricular Activities

A student must be in school one-half day of the extra-curricular event, or the last day preceding the event if the activity occurs on a non-school day, to be eligible to participate in any extra-curricular activity after regular school hours unless authorized by the Principal or their designee. One half-day is defined as two (2) hours for students who will be participating in any extra-curricular event. Any student representing the school or attending any extra-curricular activities is subject to the jurisdiction of the school during all aspects of participation. Normal disciplinary measures will apply to breaches of acceptable behavior and will include the possibility of being denied the privilege of further participation in or attendance at said activity. The Principal or their designee shall make this determination.

Use of Corporal Punishment

Under Delaware Code, no public-school teacher, administrator, official employee or agent of the School Board may subject a student enrolled in the school district to corporal punishment. Corporal punishment is defined as the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes but is not limited to, paddling and slapping, when used as a means of discipline.

Authority:

Every teacher, administrator, official employee, or agent of the Indian River School Board of Education shall have the right to exercise authority over a student as to control behavior and discipline during any school activity in the following manner: Using reasonable and necessary force to quell a disturbance, including, but not limited to a physical altercation, or prevent an act that threatens imminent bodily harm to any person.

- Using reasonable and necessary force to obtain possession of a weapon, or other dangerous object
- Using reasonable and necessary force for the purpose of self-defense or the defense of others;
- Using reasonable and necessary force for the protection of property;
- Using reasonable and necessary force to prevent a pupil from imminently inflicting bodily harm on himself or herself;

- Using reasonable and necessary force to protect the bodily safety of others; or
- Using incidental, or minor physical contact to maintain order and control.

DISCIPLINE PROCEDURES FOR CODE OF CONDUCT VIOLATIONS

1. Preliminary Investigation and Timeline of Code of Conduct Violations

- When a student is alleged to have violated the Student Code of Conduct and the violation may result in suspension, alternative placement, or expulsion, the building principal, or their designee, will conduct a preliminary investigation. The purpose of the investigation is to determine whether a reasonable basis exists to pursue disciplinary action.
- The investigation will be completed within three (3) school days of the report of the incident.
- If an offense involves a threat toward another student, the parents of the affected student will be notified when the school becomes aware of the threat.
- The principal, or their designee, will secure any evidence, whether related to the victim, suspect, or scene, relevant to the investigation. Evidence such as weapons, controlled substances, or electronic devices will be placed in a sealed envelope and secured in the school safe until law enforcement assumes custody.
- The principal or their designee, may obtain written statements from witnesses. When witnesses are under 18, reasonable efforts may be made to notify their parents.
- A student may be temporarily removed from the regular school environment if the principal or their designee, determines that the student's presence poses a threat to the health, safety, or welfare of persons or property.
- Due process procedures outlined in this policy will be implemented as soon as practicable following such removal.

2. Mandatory Reporting Requirements

- If reliable information exists indicating that a mandatory reportable offense under 14 Del. C. §4112 has occurred, the principal or their designee, will immediately notify the appropriate law enforcement agency. Reports must:
 - Be made immediately by phone or in person, and
 - Be followed by a written report within three (3) business days.
 - A report to the appropriate law enforcement agency is not required for misdemeanor offenses that have allegedly been committed by students under the age of twelve (12). The appropriate law enforcement agency must only be notified for student under the age of 12 when the alleged offense is a violent felony.
- The principal shall report all offenses listed as a mandatory report to the Delaware Department of Education under 14 Del. C. §4112 and 14 DE Admin. Code 601 within (five) 5 business days of the incident by submitting the information through the Department's student information system.
 - Under 14 Del. C. §4112(b)(1)(a) a report is required when a school employee has reliable information that would lead a reasonable person to believe a student, school volunteer, or school employee has been the victim of a violent felony, assault III, or unlawful sexual contact III that occurred on school property or at a school function and the victim is a student, school volunteer, or school employee.
 - Under 14 Del. C. §4112(b)(1)(b), a report is required when a school employee has reliable information that would lead a reasonable person to believe a student has been the victim of a violent felony, assault III, or any sexual offense, as defined in 11 Del.C. §761(i).
 - Under 14 Del. C. §4112(b)(6), a report is required when a misdemeanor offense listed in 14 Del.C. §4112(b) has allegedly been committed by a child.
 - Under 14 Del.C. §4112(b)(7), a report is required when a school employee has reliable information that would lead a reasonable person to believe that a student has been the victim of sexual harassment, as defined in Title 11 of the Delaware Code, which occurred on school property or at a school function.
 - Under 14 Del.C. §4112(c), a report is required when a school employee has reliable information that would lead a reasonable person to believe that a person on school property or at a school function has on the person's person, concealed in that person's possessions, or placed elsewhere on school property either any controlled

substance prohibited by Title 16 or any deadly weapon, destructive weapon, dangerous instrument, or incendiary or explosive device as prohibited by Title 11.

- c) The principal is not required to submit a report of an incident to the Department unless the report is required under 14 Del. C. §4112(b)(4), (b)(6), (b)(7) or (c) and 14 DE Admin Code 601.
- d) The principal or their designee, must immediately make reasonable efforts to notify the parents of any juvenile victim of the offenses in subsection 2b i-v, immediately by electronic communication, followed by written notice within three (3) business days, unless the parent is the alleged offender.

3. Initial Due Process Rights After the Preliminary Investigation

- a) Prior to removing a student from the Regular School Program for one-half (1/2) day or more for violation of the student code of conduct, the following due process procedures will be provided:
 - i) The principal or their designee, will notify the student and parent if student is under 18, of the alleged violation or violations of the student code of conduct, via electronic means.
 - ii) The student, and parent if the student is under 18, will receive an explanation of the evidence supporting the allegation as soon as practicable, but no later than (three) 3 business days from notification by the principal or their designee.
 - iii) The student will be given the opportunity to present the student's explanation and evidence.
 - iv) The student and the parent if the student is under 18, will receive information regarding the district's grievance procedures.
- b) If a student presents an immediate threat to the school environment, the student may be removed prior to the completion of these procedures, provided that the due process procedures are completed as soon as practicable.

4. Suspensions

- a) Short-Term Suspension
 - i) Prior to any short-term suspension from school, a preliminary investigation, reporting procedures and initial due process procedures shall be followed.
 - ii) The principal or their designee, may impose a short-term suspension for violations of the student code of conduct.
 - iii) Short-term suspensions will not exceed ten (10) consecutive school days for a single conduct violation or combination of violations which occurred during a single disciplinary incident.
 - iv) Short-term suspensions may be:
 - (1) In-school suspension, or
 - (2) Out-of-school suspension
 - v) Students will remain enrolled in the district.
 - vi) Students receiving a suspension:
 - (1) Are excluded from school activities, including extracurricular sports, field trips and ceremonies;
 - (2) May not be present on school property during the suspension.
 - vii) Extension of Short-Term Suspension
 - (1) The district level coordinator may temporarily extend a short-term suspension beyond ten (10) days when necessary, pending:
 - (a) An Alternative Placement Team decision, or
 - (b) A Board expulsion hearing
 - viii) During the extension, the student will receive appropriate educational services beginning on the first day of the extension. Services will continue until the APT's decision has been rendered or the board's decision regarding the student's hearing or other disciplinary action hearing has concluded. The district may provide appropriate educational services prior to the extension.
- b) Long-Term Suspension
 - i) Prior to any long-term suspension from school, a preliminary investigation, reporting procedures and initial due process procedures shall be followed.
 - ii) A long-term suspension may be imposed by the district level coordinator when:
 - (1) The code of conduct violation warrants extended removal; or

- (2) Pending a decision by the district level coordinator regarding an Alternative Placement, the board of education's decision regarding an expulsion hearing, or other formalized disciplinary action hearing for the student
- iii) A long-term suspension will 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.
- iv) Students receiving long-term suspension:
 - (1) Will remain enrolled in the district;
 - (2) Must receive appropriate educational services;
 - (3) Are excluded from school activities, including extracurricular sports, field trips and ceremonies;
 - (4) May not be present on school grounds during the suspension.
- v) Prior to referral for long-term suspension, the principal or their designee, will hold a conference, in person or through electronic means, with the student and parent explaining:
 - (1) The reason for the referral;
 - (2) That the student may be suspended pending the outcome of the district's APT meeting or expulsion hearing;
 - (3) The disciplinary procedures that will follow.
- vi) The principal or their designee, will have at least one other person present to take notes or the conference should be recorded.

c) Notification of Suspension

- i) The principal, or their designee, will attempt to verbally notify the student, or parent if the student is under 18, prior to the suspension being served.
- ii) Written notice will be provided within three (3) business days and must include:
 - (1) The cause of the suspension
 - (2) The duration of the suspension
 - (3) Information regarding the grievance process for suspensions that are more than two (2) days

d) Return-to-School Conference

- i) For out-of-school suspensions of three (3) days or more, a conference with the student, and parent if student is under 18, will occur prior to the student returning to school unless waived by the principal or their designee.

5. Alternative Placement

a) Reasons for Referral to Alternative Placement

- i) A principal or their designee, may refer a student for alternative placement when a disciplinary investigation determines that removal from the regular school program is warranted.
- ii) Referral may occur under the following circumstances:
 - (1) Severe discipline violations of the student code of conduct and the conduct falls within the defined conduct under 14 DE Admin. Code 614
 - (2) Offenses that require mandatory reporting as identified under 14 Del. C. §4112, including incidents that must be reported to law enforcement or the DDOE.
 - (3) An Attorney General's Report or court disposition that indicates the student has been charged with a violent felony, poses a threat to the health, safety, or welfare of others in the school environment, or both.
- iii) When a student engages in chronic or repeated disruptions that significantly interfere with the educational environment after school-based interventions have been implemented. Interventions may include:
 - (1) Referral to a school-based problem-solving team (14 De. Admin. Code 508)
 - (2) Counseling services
 - (3) Behavior intervention or behavior modification plans
 - (4) Mentoring programs
 - (5) Mediation
 - (6) Participation in other school-based intervention programs
- iv) Students may not be placed onsite at a Consortium Discipline Alternative Program site for behavior equivalent to:

- (1) 11 Del.C. §613 Assault in the first degree (Class B Felony).
- (2) 11 Del.C. §1457 Possession of a weapon in a Safe Recreation Zone (Class E Felony).
- (3) 11 Del.C. §1457A Possession of a firearm in a Safe School Zone (Class D, E, or F Felony; Class A or B Misdemeanor).
- (4) 11 Del.C. §802 Arson in the second degree (Class D Felony).
- (5) 11 Del.C. §803 Arson in the first degree (Class C Felony).
- (6) 11 Del.C. §770 Rape in the fourth degree (Class C Felony).
- (7) 11 Del.C. §771 Rape in the third degree (Class B Felony).
- (8) 11 Del.C. §772 Rape in the second degree (Class B Felony).
- (9) 11 Del.C. §773 Rape in the first degree (Class A Felony).
- (10) 16 Del.C. §4752 Drug dealing or possession (Class B Felony).
- (11) 16 Del.C. §4752B Drug dealing – Resulting in death (Class B Felony).
- (12) 16 Del.C. §4753 Drug dealing or possession (Class C or E Felony).
- (13) 16 Del.C. §4754 Drug dealing (Class D Felony).
- v) A referral to a State-funded Consortium Discipline Alternative Program shall meet the criteria set forth in 14 DE Admin. Code 611.

b) Alternative Placement Procedures

- i) Prior to referral for alternative placement, the principal or their designee, will conduct a preliminary investigation. If the preliminary investigation verifies that discipline action may be warranted, the student will be afforded initial due process rights. If the student's presence poses a threat to the school environment, the principal or their designee may temporarily remove student pending completion of due process procedures.
- ii) The principal or their designee, in collaboration with the district level coordinator, may determine whether the student should be referred to the Alternative Placement Team (APT).
 - (1) The principal or their designee, will follow the procedures outlines in 14. DE Admin Code 926 for a student with a disability who violates the student code of conduct and a change in placement is recommended that will exceed 10 consecutive school days. The student's IEP team will determine placement.
- iii) If the student is referred to the APT, the student may be placed on long-term suspension pending the APT decision and procedures set forth for a long-term suspension will be followed. Written notification of the long-term suspension must also include information regarding referral to the APT.
- iv) The principal or their designee, will compile the student's alternative placement packet for the APT.

c) Notice of Alternative Placement Team Meeting

- i) The student and parent if the student is under 18, will receive written notice of the APT meeting at least five (5) business days in advance. Notifications will be provided via:
 - (1) Electronic communication, and
 - (2) Written notice sent by U.S. Mail and certified mail
- ii) The student and parent if the student is under 18, may waive the five-day notice requirement if they agree to an earlier meeting date.

d) Alternative Placement Team

- i) The APT will meet, review the student's alternative placement packet, and make a recommendation to the district level coordinator whether to assign the student to an alternative placement.
 - (1) The district level coordinator will preside over the meeting and determine whether alternative placement is appropriate.
 - (2) The APT meeting may be held without the student, the student's parents or both if:
 - (a) The student poses a threat to the health, safety, or welfare of others and the district has provided the required notice of the meeting.
 - (3) If both the student and parent did not attend the APT meeting, the student and parent, if the student is under 18, will be informed, verbally, of the APT's recommendation within one (1) business day of the meeting.

e) Placement Decision and Notification

- i) If the district level coordinator assigns the student to an alternative placement, written notice will be provided to the student, and parent if the student is under 18, within three (3) business days of the meeting. The notice will include:
 - (1) The reason for placement
 - (2) The alternative program to which the student is assigned
 - (a) A student may only be referred to a program which serves the student's district of residence and only if there is space available.
 - (3) Information regarding grievance process
 - (4) Conditions required for the student to return to the regular school program.
 - ii) A student who withdraws from the district and transfers to another district prior to the alternative placement must serve the disciplinary action that was recommended.
- f) Intake Meeting for Alternative Placement
- i) The principal or their designee, will schedule an intake meeting to review the school's individualized goals, services and expectations, with the alternative program involving:
 - (1) The student, and parent if the student is under 18
 - (2) A member of the school discipline team
 - (3) The alternative program administrator
 - (4) Other alternative program staff as determined by the alternative program administrator.
 - ii) A student who withdraws from the district and transfers to another district or charter school prior to the alternative school placement must serve the disciplinary action that was recommended.
- g) Review of Alternative Placement
- i) Students assigned to alternative programs will receive formal progress reviews:
 - (1) Each marking period for elementary and middle school students, or
 - (2) Each semester for high school students.
 - ii) Reviews will evaluate:
 - (1) Academic progress
 - (2) Attendance
 - (3) Behavioral improvement
 - (4) Compliance with program expectations
 - iii) Progress reviews will take place at the alternative program with:
 - (1) District level coordinator
 - (2) Sending school administration
 - (3) A member of the school discipline team
 - (4) The alternative program administrator
 - (5) Other alternative program staff as determined by the alternative program administrator
 - (6) The student, and parent if student is under 18, may be invited to attend.
 - iv) The Review will include a recommendation:
 - (1) For continued progress in the alternative program, or
 - (2) Return to the regular school program.
 - v) The student, and parent if student is under 18, will be notified via an electronic means, of the recommendation.
- h) Transition Back to Regular School Program
- i) When a student is recommended for return to the regular school program, a transition meeting will be held prior to the student's reentry. Participants will include:
 - (1) Alternative program representative
 - (2) The student, and parent if student is under 18
 - (3) The principal or their designee
 - (4) A teacher
 - (5) A school counselor
 - (6) Other individuals as determined by the district level coordinator
 - ii) The district level coordinator will have at least one (1) other person present to take notes during the meeting or will have the meeting recorded.
 - iii) The meeting will inform the student and parent, if the student is under 18, the purpose of the meeting is to:

- (1) Inform them of the recommendation for return to the regular school setting
- (2) Review the violation of the student code of conduct that resulted in the placement
- (3) Establish expectations for the student's return
- (4) Develop the terms of the student's return
- iv) A written transition agreement will be created and provided to the student and parent, if the student is under 18.

- i) Homebound Services Due to Lack of Alternative Program Capacity
 - i) If the district's alternative program is unable to accept a student due to lack of available space, or behaviors identified in Section 5.iv and/or limitations, accommodations, or service requirements outlined in the student's IEP, the district-level coordinator may assign the student to Homebound Services pending placement availability or completion of the disciplinary assignment.
 - ii) Written notice of the Homebound Services assignment shall be provided to the student and parent if student is under 18, within three (3) business days of the meeting. The notice shall include:
 - (1) The reason for the assignment
 - (2) Information regarding Homebound Services;
 - (3) Information regarding the grievance process; and
 - (4) Conditions required for return to the regular school program.
 - iii) An intake meeting shall not be required for students assigned to Homebound Services.
- j) Review of Alternative Placement
 - i) Students assigned to alternative programs Homebound Services will receive formal progress reviews:
 - (1) Each marking period for elementary and middle school students; or
 - Each semester for high school students.
 - ii) Reviews shall evaluate:
 - (1) Academic progress;
 - (2) Attendance and participation in required instructional activities;
 - (3) Behavioral improvement; and
 - (4) Compliance with Homebound Services expectations.
 - iii) Progress reviews shall take place within the district with:
 - (1) The district-level coordinator;
 - (2) Sending school administration
 - (3) A member of the school discipline team; and
 - (4) Other staff as determined by the district-level coordinator.
 - (5) The student and parent if student is under 18, may be invited to participate.
 - iv) The review will include a recommendation:
 - (1) For continued progress in the current alternative program, or
 - (2) Transition to another appropriate alternative program or;
 - (3) Return to the regular school program.
 - v) The student and parent if student is under 18, will be notified via electronic means, of the recommendation.
 - vi) When a student assigned to Homebound Services is recommended for return to the regular school program, the transition procedures outlined in Section 5.h shall apply, except that an alternative program representative shall not be required to participate in the transition meeting.

6. Expulsion

- a) Expulsion Recommendation
 - i) Prior to referral for expulsion, the principal or their designee, will conduct a preliminary investigation. If the preliminary investigation verifies that discipline action may be warranted, the student will be afforded initial due process rights. If the student's presence poses a threat to the school environment, the principal or their designee may temporarily remove student pending completion of due process procedures.
 - ii) The principal or their designee, in collaboration with the district level coordinator, will determine whether to recommend the student for expulsion.
 - iii) Prior to submitting the recommendation for expulsion, the principal or their designee, will conduct a building-level conference with the:
 - (1) The student and parent, if the student is under 18

- (2) Appropriate school staff members as determined by the principal.
 - iv) During the conference, the principal will explain:
 - (1) The referral for expulsion;
 - (2) That the student may be placed on long-term suspension pending the outcome of the expulsion hearing; and
 - (3) The procedures that will occur following the referral.
 - v) The conference may be held in person or through electronic means.
 - vi) The principal or their designee, will have at least one (1) other person present to take notes during the conference or the conference will be recorded.
 - vii) The student will be placed on long-term suspension pending the Board's expulsion hearing decision.
 - viii) Written notice of the suspension and recommendation for expulsion will be provided to the student and parent within three (3) business days.
 - ix) All documentation related to the recommendation for expulsion will be delivered to the Superintendent, or their designee within:
 - (1) Two (2) business days following the building-level conference, or
 - (2) Seven (7) business days following the incident, whichever occurs first.
 - x) Upon receipt of the recommendation, the Superintendent, or their designee, will determine whether to:
 - (1) Accept the recommendation for expulsion, or
 - (2) Recommend referral to an alternative placement.
- b) Notice of Expulsion Hearing
- i) If the superintendent, or their designee, accepts the recommendation for expulsion, written notice of the hearing will be provided to the student and parent, if the student is under 18 within ten (10) business days of the incident. The written notice will include:
 - (1) The circumstances that led to the recommendation or expulsion
 - (2) The date, time and location of the hearing
 - (3) A list of witnesses who may testify
 - (a) Written parental permission will be obtained for any witness under the age of 18
 - (4) Copies of documents or evidence that may be presented at the hearing
 - ii) The hearing will be scheduled:
 - (1) No sooner than seven (7) business days, and
 - (2) No later than twenty (20) business days after the notice is provided,
 - iii) Unless the student and parent agree to waive the timeline.
- c) Expulsion Hearing Procedures
- i) Expulsion hearings will be conducted by either:
 - (1) The Board of Education, or
 - (2) A hearing officer appointed by the district who was not involved in the investigation or disciplinary review.
 - ii) The district has the burden of proof during the hearing
 - iii) The hearing process will include:
 - (1) Presentation of evidence by the district
 - (2) Opportunity for the student to respond
 - (3) Testimony under oath or affirmation
 - (4) Opportunity for questioning of witnesses
 - (5) Admission of documentary and testimonial evidence.
 - iv) Formal rules of evidence will not apply; however, the hearing officer or board may exclude evidence that is irrelevant, immaterial or unduly repetitive in accordance with 29 Del. C. §10125(b).
 - v) The hearing will be recorded in a manner that allows transcription.
- d) Student Rights During Expulsion Hearings
- i) Students subject to expulsion proceeding will have the right to:
 - (1) Be represented by legal counsel at their own expense
 - (2) Present evidence
 - (3) Testify on their own behalf
 - (4) Call witnesses

- (5) Cross-examine witnesses
- (6) Obtain a transcript of the hearing at their own expense.
- ii) These rights will be exercised in accordance with the hearing procedures established in 29 Del. C. §§ 10125 and 10126.
- e) Waiver of Expulsion Hearing
 - i) A student and parent, if the student is under 18, may voluntarily waive the right to an expulsion hearing. The waiver must:
 - (1) Be in writing and indicate that the student and parent, if student is under 18, are knowingly and voluntarily waiving the student's right to a hearing and the student admits to violating the student code of conduct
 - (2) The student may submit the waiver any time prior to the commencement of the hearing
 - ii) Within five (5) days of receipt of the waiver, the superintendent, or their designee, will submit a written report to the board for review at the next public board meeting.
 - iii) If the board decides to expel the student, with or without appropriate educational services, a written decision will be provided to the student and parent, if the student is under 18, within ten (10) business days of the board's meeting. The decision will include notice of the right to appeal to the State Board of Education.
- f) Expulsion Hearing Decision
 - i) If the hearing is conducted by a hearing officer, the hearing officer will prepare a written recommended decision for the board within five (5) business days following the hearing.
 - ii) The written recommended decision will include:
 - (1) Findings of facts based on the evidence;
 - (2) Conclusions of law; and
 - (3) A recommendation regarding whether the student should be expelled.
 - iii) A copy of the recommendation will be delivered to the student and parent, if the student is under 18.
 - iv) The student and parent, if the student is under 18, will have twenty (20) days to submit written exceptions, comments, and arguments to the board.
 - v) The board will review the hearing officer's recommendation at the next public board meeting. The board may accept, reject, or modify the hearing officer's recommendation.
 - (1) If the board conducts the hearing directly, the board will review the evidence and render a decision based solely on the hearing record.
- g) Written Decision and Appeal Rights
 - i) If the board decides to expel the student, with or without services, they will provide a written decision to the student and parent, if the student is under 18, within ten (10) business days. The written decision will include:
 - (1) Findings supporting the decision
 - (2) The duration of the expulsion
 - (3) Whether educational services will be provided
 - (4) Notice of the student's and the parent, if the student is under 18, right to appeal the decision to the State Board of Education.
- h) Expulsion Period
 - i) The term of expulsion will be calculated using school days and will not exceed the total number of student days in a school year from the date of board approval.
 - ii) Students expelled without educational services will be unenrolled from the district during the term of the expulsion. Any student serving an expulsion, whether with or without services, is not eligible to enroll in another Delaware public school during the expulsion period and until any reasonable terms of the expulsion are fulfilled.
 - iii) Students receiving services from facilities operated by DSCYF will have the time served counted toward the expulsion period.

MISCELLANEOUS INFORMATION REGARDING SUSPENSIONS, ALTERNATIVE PLACEMENT AND EXPULSIONS

Out-of-school suspensions will be regarded as excused absences. A student will be allowed the opportunity to makeup and receive full credit for all work and tests missed during the out-of-school suspension. It is the responsibility of the student and/or parents to request class work, homework, assignments, and tests missed during a period of out-of-school suspension. Students or parents must request to make up the schoolwork within two (2) days after returning to school. The amount of time permitted for the student to complete the missed work shall be the same amount as for any other excused absences as provided in the Attendance Policy JE.

Assignment to an alternative placement is the removal of a student from the regular school program due to continuing violations of school regulations or public laws dealing with school operations. An alternative placement may be used in lieu of an expulsion and agreed upon with the student and parent, if the student is under 18, the principal or their designee and the district level coordinator. Alternative placement is designed to meet the student's particular needs and may be located at the Sussex County Opportunity Program in Education (SCOPE). Assignment to an alternative placement will be made according to procedures established for the program in 14 DE Admin. Code §611.

If Student withdraws from the district, withdraws from the Alternative School, refuses to participate in the Alternative School program, becomes ineligible to continue attending the Alternative School due to noncompliance with program requirements, or otherwise fails to complete the Alternative Placement prior to readmission to the District, the District reserves the right to initiate expulsion proceedings. This provision will not apply when a student withdraws from the district and enrolls in and attends another public school district, charter school, approved private school, or other educational program authorized by law.

Should expulsion proceedings be initiated and the Board determine that expulsion is warranted, any expulsion imposed will be for the unserved portion of the student's Alternative Placement assignment. In determining the duration of any expulsion, the Board may consider the amount of time successfully completed in the Alternative Placement program, the student's compliance with program requirements, and any applicable disciplinary history.

The student, and parent if the student is under 18, waive any claim that such expulsion proceedings were not initiated within a particular timeframe as a result of the student's withdrawal, nonparticipation, or failure to complete the Alternative Placement program. The Alternative Placement Agreement and related records may be admitted as evidence in any such proceeding.

A student who is expelled or assigned to an alternative placement is banned from school property and may not attend any school function during the period of expulsion. If a student is scheduled for an expulsion hearing and withdraws prior to the hearing, the student will be banned from school property and not allowed to attend any school functions for 180 school days from the date of the withdrawal or until the expulsion has been formally completed. If the student withdraws after the expulsion hearing, but prior to board review of the hearing officer's recommendations, the student will be banned from school property and not allowed to attend any school functions for 180 school days from the date of the withdrawal.

RECIPROCAL ALTERNATIVE PLACEMENT

Prior to enrolling any student in the District, the Superintendent or the Superintendent's designee shall contact the last school district or charter school in which the student was enrolled, if located within the State of Delaware, to determine whether the student is currently serving an Alternative Placement in lieu of expulsion or is serving an out-of-school suspension pending placement in an Alternative Placement program in lieu of expulsion.

A student who has been administratively assigned to an Alternative Placement program, in lieu of an expulsion—whether by the Indian River School District or by another public school district within or outside the State of Delaware—shall be permitted to enroll in the Indian River School District

As a condition of enrollment, the student will be required to complete the assigned Alternative Placement program at a district-designated alternative school or program prior to returning to a comprehensive school setting.

Upon enrollment, the district will verify the terms and duration of the Alternative Placement assignment. The student, and parent if the student is under 18, shall be required to complete an Alternative Placement agreement and intake procedures established by the District as a condition of placement, and assign the student to an appropriate Alternative Placement program consistent with the original placement determination. The review and transition procedures set forth in the Alternative Placement procedures shall be followed.

This requirement will apply to students transferring into the district who are currently assigned to an Alternative Placement program in another district or state, ensuring continuity of placement and compliance with Delaware law regarding student discipline and enrollment.

RECIPROCAL EXPULSION

Prior to enrolling any student who seeks to transfer to the Indian River School District, the Superintendent or the Superintendent's designee shall contact the last school district or charter school in which the student was enrolled, if located within the State of Delaware, to determine whether the student is currently subject to an expulsion order, is serving an out-of-school suspension pending expulsion, or is otherwise subject to a disciplinary consequence that would affect enrollment. If it is determined that the student meets any of the previously listed criteria, the student shall not be permitted to enroll or reenroll in the Indian River School District until any applicable period of exclusion has expired and all conditions for readmission have been satisfied.

This does not apply to any case in which a student is seeking to enroll in the James H. Grove High School or in any alternative educational or other related program developed to provide educational services to children who have discipline problems.

STUDENT RECORDS

When a student is expelled and there is no waiver of that expulsion, an indication of the expulsion, and the reason therefore, will be made a part of the student's permanent record. This indication will be made before the student's record is released or prior to graduation, whichever comes first. If a student violates any provision of this policy which could lead to expulsion and subsequently, but prior to the actual expulsion, ceases to be an official student of the Indian River School District, the student's permanent record will indicate any action taken as a result of that violation, up until the time the student ceased to be an official student of the district.

Attorney General reports are not a part of a student's permanent record. However, they are included in the expulsion packet and will be a part of manifestation meetings and expulsion hearings.

SOCIAL PROBATION

Social probation will be assigned as a consequence for students who are suspended in-school, out of school, to include CAMP placement, for disciplinary reasons. While on social probation, the student may only attend regularly scheduled classes during the hours that the school is normally open to students. The student will not engage in or attend activities of any nature within the jurisdiction or property of the Indian River School District after regular school hours. If a student is placed on social probation, they shall not be allowed:

- To be in the school or on school grounds beyond regular school hours (normal school academic day). Graduation exercises are to be considered part of the regular school day for graduating seniors. The principal or their designee may make graduation exceptions as needed in their schools in consultation with the Deputy Superintendent.
- To attend, as a participant or spectator, any school sponsored event after school hours or on weekends, or any school social activities such as parties, dances, trips, or proms during the period of assigned social probation.

Social probation begins at the time of the infraction and continues through the end of the day of the last day social probation is assigned.

GRIEVANCE PROCEDURES

The district will maintain written grievance procedures for disciplinary actions. These procedures will be made available to students and parents for review upon request and through the district's website or student handbook.

The purpose of the grievance procedures is to ensure that the students and parents have a structured process to challenge disciplinary decisions while protecting the student's due process rights.

Students subject to disciplinary action have the right to basic due process protections including:

- The principal or their designee, will notify the student and parent if student is under 18, of the alleged violation of the student code of conduct, via electronic means.
- The student, and parent if the student is under 18, will receive an explanation of the evidence supporting the allegation.
- The student will be given the opportunity to present the student's explanation and evidence.
- The student and the parent, if the student is under 18, will receive information regarding the District's grievance procedures.

Except for suspensions of (two) 2 days or less, a grievance may be filed by the student and parent, if the student is under 18 or both.

A grievance must:

- Be submitted in writing.
- Identify the disciplinary decision being challenged.
- State the reason the student or parent believes the decision should be reconsidered.
- Be filed within three (3) school days of the disciplinary action being issued.
- Failure to file a grievance within the required timeline may result in dismissal of the grievance unless extenuating circumstances are determined by the district.

Filing a grievance does not suspend or delay the disciplinary action unless otherwise determined by the superintendent or board of education.

Grievance Review Process

1) Principal Review

- a) The written grievance shall first be submitted to the building principal or the principal's designee.
- b) The principal or designee reviewing the grievance shall not have been a participant in the investigation leading to the disciplinary decision, when practicable.
- c) Within five (5) school days of receipt of the grievance, the principal or designee shall conduct a conference with the student and parent. The conference may occur in person, or through an electronic means of communication.
- d) Following the conference, the principal or designee shall issue a written determination within five (5) school days.

2) Superintendent Review

- a) If the grievance is not resolved satisfactorily in the above manner, the student or parent if the student is under 18, may submit a written appeal to the Superintendent or the Superintendent's designee within three (3) school days of receiving the principal's decision.
- b) The Superintendent or their designee reviewing the grievance shall not have been involved in the investigation or initial disciplinary decision.
- c) Within five (5) school days of receipt of the appeal, the Superintendent or their designee shall conduct a conference with the student and parent.
- d) A written determination shall be issued within five (5) school days following the conference.

3) Board of Education Review (When Applicable)

- a) For disciplinary actions ***involving long-term suspension, alternative placement, or other significant disciplinary actions***, the student or parent may appeal the Superintendent's or their designee's decision to the board of education.
- b) The written appeal must be submitted within three (3) school days of receiving the Superintendent's or their designee's determination.
- c) The Board of Education shall review the grievance at the next scheduled board meeting or a special meeting scheduled for that purpose.
- d) The Board of Education shall issue a written determination within five (5) school days of the meeting, and the Board's decision shall be final at the district level.

4) Final Decision-Maker

- a) The board of education shall serve as the final decision-maker in the district's grievance process unless otherwise provided by law or regulation.

Additional Appeals

Nothing in this policy shall limit the student's right to pursue any appeal or remedy available under Delaware law, including appeals to the Delaware State Board of Education when permitted by law.

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

CODE OF CONDUCT VIOLATIONS THAT MAY RESULT IN ASSIGNMENT TO ALTERNATIVE PLACEMENT IN LIEU OF EXPULSION OR EXPULSION

The following is a list of Student Code of Conduct violations which may be subject to a recommendation for expulsion or assignment to Alternative Placement in lieu of Expulsion. The list is not all inclusive of expellable offenses; therefore, other offenses may also warrant recommendation for expulsion or assignment to Alternative Placement in lieu of Expulsion.

- a. A student who physically or verbally abuses a teacher, administrator, or any other school district employee may be liable for expulsion and prosecution by law.
- b. A student who violates the narcotics, alcoholic beverages, and stimulant drugs section of this policy shall be expelled except that for certain violations the expulsion can be waived.
- c. A student who engages in a criminal sexual offense (i.e., sexual contact, sexual penetration, sexual intercourse) while under the jurisdiction of the Indian River School District may be liable for expulsion and prosecution by law. A student who engages in a non-criminal sexual offense for the first time (i.e., sexual contact, sexual penetration, sexual intercourse) while under the jurisdiction of the Indian River School District will be suspended out of school for up to three (3) school days.
- d. A student who recklessly or intentionally causes physical injury to another person while under the jurisdiction of the Indian River School District may be liable for expulsion and prosecution by law.
- e. A student who has been suspended out of school or who has been assigned to CAMP on one or more occasions during a school year may be expelled by the Board of Education.
- f. A student who possesses, uses, attempts to use, or threatens to use a dangerous/Deadly weapon, tool or instrument to inflict harm to another individual while under the jurisdiction the Indian River School District may be expelled by the Board of Education.
- g. A student who is determined to have brought a Firearm to the School Environment, or to have possessed a Firearm in the School Environment, shall result in expulsion for a period of not less than 180 days. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal/State law or State Board regulation. For purposes of this appendix, "Firearm" is defined in Section 921 of Title 18, United States code (see attached definition of "Firearm"). Special exceptions to this policy may be considered to allow the Board of Education to modify the expulsion requirement on a case-by-case basis. Considerations respective of age and/or special needs of the student will be weighed. Any modification of the expulsion requirement must be reported to the Delaware Department of Education.
- h. A student who communicates the possession of a bomb or other incendiary device, or has communicated or facilitated the communication of a bomb threat against any facility, school property, school bus, or at a school bus stop or at any school-sponsored event or activity within the Indian River School District or under the jurisdiction of the Indian River School District may be liable for expulsion and prosecution by law.
- i. Once an Attorney General's Report (Juvenile/Adult Warrant and Complaint) is received by the district in support of student out-of- school criminal conduct, regardless of the jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, sexual offenses, weapons offenses and drug offenses, the district has the discretion to take action. Such action may include, but is not limited to, student or parent/guardian/caregiver conference, safety planning and disciplinary action, including expulsion.

Additional violations that can result in suspension, alternative placement in lieu of expulsion, or expulsion can be found on our Discipline Matrices:

[High School Discipline Matrix](#)
[Middle School Discipline Matrix](#)
[Elementary Discipline Matrix](#)

STUDENTS WITH DISABILITIES

Nothing in this policy shall alter the district's duties under the Individual with Disabilities Act (IDEA) or 14 DE Admin. Code 922 through 929. Nothing in this policy shall prevent the district from providing supportive instruction to children with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and Delaware Department of Education regulations

Nothing in this policy shall alter the district's duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent the district from providing supportive instruction to such students who are qualified individuals with disabilities

DRUG AND ALCOHOL ABUSE BY STUDENTS' POLICY

The following paragraphs on the possession, use, or distribution of drugs, drug paraphernalia and alcohol shall apply to the school environment of the Indian River School District. The possession, use and distribution of alcohol, a drug, a drug-like substance, a look-alike substance, marijuana products and marijuana accessories, or drug paraphernalia are wrong and harmful to students and are prohibited within the school environment. Such substances have the potential of producing, if used:

- a change in behavior
- a stimulating or depressing effect on the central nervous system
- a physical dependence
- a high psychological dependence

The following statements further describe the district's policy in that regard.

1. All prescription or non-prescription drugs are to be secured through the office of the school nurse. Authorized drugs are those prescribed to a student by a licensed physician or that which can be purchased over the counter and for which the student has written permission from a parent. In all cases, all medications should indicate the dosage or amount prescribed, and are to be delivered to the school nurse and administered as per physician's/parent's written order. Violation of this policy could result in disciplinary action up to and including expulsion. All medications not reported to the nurse will be considered unauthorized.
2. Students are permitted to have discretionary use and possession of an asthmatic quick relief inhaler with an individual prescription label, an auto-injectable epinephrine with individual prescription label, or an insulin pump for continuous subcutaneous insulin infusion ("insulin pump"), Hand Sanitizer, or other medication supported with appropriate documentation that is required to be nearby in case of emergency; provided, nevertheless, that the student uses the inhaler, auto-injectable epinephrine, or an insulin pump or other medication supported with appropriate documentation that is required to be nearby in case of emergency pursuant to prescription or written direction from a state licensed health care practitioner; a copy of which shall be provided to the district; and further provided that the parents, of such student provide the district with written authorization for the student to possess and use the inhaler, auto-injectable epinephrine, or an insulin pump or other medication supported with appropriate documentation that is required to be nearby in case of emergency at such student's discretion or under the school nurse's supervision, together with a form of release satisfactory to the district releasing the district and its employees from any and all liability resulting or arising from the student's discretionary use and possession of the inhaler, auto-injectable epinephrine, or an insulin pump, or other medication supported with appropriate documentation that is required to be nearby in case of emergency and further provided that the school nurse may impose reasonable limitations or restrictions upon the student's use and possession of the inhaler, auto-injectable epinephrine, or an insulin pump based upon the student's age, level of maturity, behavior, or other relevant considerations. Parents, shall not be required to provide or sign a form of release where the student's use and possession of an asthmatic quick relief inhaler, auto-injectable epinephrine, or insulin pump or other medication supported with appropriate documentation that is required to be nearby in case of emergency is determined by the student's IEP or Section

504 Team to be necessary for the student's educational placement. Except as provided for in a student's Section 504 Plan or IEP, the school nurse may not unilaterally impose limitations or restrictions on a student's use and possession of an asthmatic quick relief inhaler, auto-injectable epinephrine, an insulin pump, or other medication supported with appropriate documentation that is required to be nearby in case of emergency if a Section 504 or IEP Team has determined the use of the medication is necessary for the student's educational placement. For students who use prescribed asthmatic quick relief inhalers, auto-injectable epinephrine, or an insulin pump for continuous subcutaneous insulin therapy or Hand Sanitizer, refer to [14 DE Admin. Code 817](#).

3. Other provisions of this policy related to consumption and distribution will still be in effect. Federal and state regulations and guidelines may exempt students in certain circumstances from having to store their medication in the nurse's office as they may need quick access. In those cases, specific criteria must be met and a signed consent from the physician, parents, and nurse must be in place prior to the student having such medications on their person with the exception of a Section 504 accommodation or when an IEP Team has determined the use of the medication is necessary for the student's educational placement (see [14 DE Admin. Code 817](#)). Other provisions of this policy related to consumption and distribution will still be in effect.
4. A student shall not knowingly possess, use, distribute or attempt to distribute, or be under the influence of any narcotic drug, hallucinogenic drug, opiate, amphetamine, barbiturate, alcoholic beverage, diet pills or intoxicant of any kind; or any other substance, legal or illegal with or without consideration, upon the express or implied representation that the substance is a narcotic drug, an hallucinogenic drug, opiate, amphetamine, barbiturate, marijuana, alcoholic beverage, diet pills, intoxicant of any kind.
5. Any student suspected of being under the influence of alcohol, drugs, drug-like substances, or intoxicants shall be referred to the school nurse for assessment of the student's well-being. The assessment shall be conducted to determine whether the student requires immediate medical attention.
6. A student may not possess, use or distribute marijuana, marijuana products, or marijuana accessories within the school environment regardless of state legalization for adults 21 and over.
7. All alcohol, drugs, drug like substances, look-alike substances, marijuana products and marijuana accessories, and drug paraphernalia found in a student's possession will be turned over to the principal, or their designee, and be made available, in the case of a medical emergency, for identification. All substances will be sealed, labeled, and documented, and if covered under 16 Del.C. Ch. 47, turned over to law enforcement as potential evidence.
8. Any student who violates the receipt, possession or use provisions of this policy for the first time may be offered a 1st Offense waiver in lieu of an expulsion hearing. The conditions of the 1st Offense Waiver include:

Pre-K to 5th Grade:

- Up to three (3) days Out of School Suspension
- Successful completion of school-based counseling
- Social probation during period of suspension

Grades 6 through 12:

- Up to three (3) days Out-Of-School Suspension
 - Enrollment and successful completion of a district approved course of instruction or program of rehabilitation appropriate for the type of violation
 - Completion of a five (5) day placement at CAMP (Character Academic and Motivational Program)
 - Social probation during period of suspension and CAMP placement
9. In the event the student refuses to accept the first-time waiver option, the student will receive a ten (10) day Out-Of-School suspension and may be followed by a recommendation for a discipline hearing to consider for expulsion not to exceed 180 school days from the date of the incident and state or local police referral for appropriate action.

10. If the student fails to show satisfactory evidence that they are participating in an approved program, or the student violates this policy a second time, or subsequent time, during his or her school career, the student will receive a mandatory Out-of-School Suspension and the Superintendent may refer the student for a discipline hearing to consider expulsion not to exceed 180 school days from the date of the incident.
11. Any student who distributes or attempts to distribute under the provisions of this policy shall be subject to a ten (10) day out-of-school suspension, a state or local police referral for appropriate action, may be assigned to alternative placement, or may be referred for expulsion for a period not to exceed 180 school days from the date of the incident. The Board of Education, under these violations, may offer the option described under paragraph 5 which concerns waiver of expulsion.
12. All alcohol drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or their designee and be made available in the case of a medical emergency for identification. All substances shall be sealed and documented and, in the case of substances covered by [16 Del. C. Ch. 47](#), turned over to police as potential evidence. A request for analysis shall be made where appropriate.
13. Any student who is found consuming beyond the prescribed or recommended dosage, or is found to be under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics, and related compounds, any of which are found on the NCAA list of banned drugs may be suspended from school and subject to disciplinary action up to and including assignment to alternative placement or expulsion as provided for in this drug and alcohol/palcohol abuse by students policy.

Each Principal or their designee will be responsible for notifying all students of this policy by conducting an assembly each year, on or before September 15th, during which time students are given information about this section and consequences of its violation. Parents, shall also be notified. Students who enroll or re-enroll during the year shall be notified also.

The Superintendent shall be responsible for developing regulations governing the approval procedure for alcohol/drug abuse treatment programs, the monitoring of student participation in those programs and other procedures necessary to carry out this section of the policy. A program of assistance will be provided for students with counseling and referral services as needed.

GUN-FREE SCHOOL POLICY

I. PURPOSE

To set forth a policy that establishes a gun free school zone in accordance with state and federal law.

II. POLICY STATEMENT

The board of education supports Delaware's establishment of a gun free school zone and therefore prohibits possession of a firearm or other deadly weapon while in or on a Safe School Zone.

Therefore, the district prohibits any person from bringing, possessing or transferring a Firearm or Deadly Weapon in a Safe School Zone, including those individuals who have a permit to carry a concealed weapon.

A student who is determined to have brought a Firearm to the School Environment, or to have possessed a Firearm in the School Environment, shall result in expulsion for not less than a period of one school year. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal/State law or State Board regulation.

Special exceptions to this policy may be considered to allow the Board of Education to modify the expulsion requirement on a case-by-case basis. Considerations respective of age and/or special needs of the student will be weighed. Any modification of the expulsion requirement must be reported to the Delaware Department of Education.

IV. EXCEPTIONS

The following are exceptions to possession of a firearm while in a Safe School Zone:

- (1) Police officer

- (2) A constable employed by a school or school district who is acting in an official capacity within a Safe School Zone.
- (3) An active-duty member of the United States Armed Forces or Delaware National Guard who is acting in an official capacity within a Safe School Zone.
- (4) A holder of a valid license to carry concealed deadly weapons issued by the Superior Court, but only if the firearm is in a motor vehicle.
- (5) Employees of the Department of Services for Children, Youth, and Their Families who are authorized by the Secretary of the Department to carry a firearm or projectile weapon while acting in the employee's official capacity.
- (6) Probation and parole officers acting within the officer's official capacity.
- (7) A qualified retired law-enforcement officer who is employed or contracted by a school or school district to assist with security or investigations and who is acting in an official capacity within a Safe School Zone.
- (8) A firearm in a locked container or locked firearms rack that is in or on a motor vehicle (other than students).
- (9) Weapons possessed pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity.

Adopted 4/28/87

Revised 5/26/87, 9/29/87, 1/1/88, 4/26/88, 5/24/88, 8/28/90, 2/26/91 (effective 7/1/91), 6/25/91, 6/23/92, 12/22/92, (Effective 2/1/93), 2/22/94, 8/23/94, 11/22/94, 3/28/95, 3/26/96, 6/24/97, 11/23/98, 4/16/99, 5/24/99
 4/18/00, 12/19/00, 12/18/01, 10/21/02, 5/27/03, 9/23/03, 4/27/04, 5/25/04, 6/15/04, 7/27/04, 6/21/05, 4/24/07, 6/19/07, 3/18/08, 7/22/08, 12/16/08, 6/23/09, 10/20/09, 5/25/10, 8/9/10, 1/25/11, 10/25/11, 1/24/12, 02/28/12, 04/17/12, 11/27/12, 5/21/13, 10/28/13, 7/1/14, 5/18/15, 12/22/15, 11/29/17, 7/29/19, 10/28/19, 11/23/20, 4/25/22, 7/24/23, 4/22/24, 3/25/25, 8/25/25, 12/15/25, 6/23/26