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SECTION I

NAME

The Board of Education shall be known officially as the Board of Education of the Cape Henlopen School District, hereinafter sometimes referred to as the "Board."

SECTION II

ADDRESS

The official address of the Board of Education of the Cape Henlopen School District shall be: District Office, 1270 Kings Highway, Lewes, Delaware, 19958.
State Law provides that in each reorganized school district there shall be a school board which shall have the authority to administer and to supervise the free public schools of the reorganized school district; and which shall have the authority to determine policy and adopt rules and regulations for the general administration and supervision. Policy shall be conducted and formulated in accordance with Delaware Law and the policies, rules and regulations of the State Board of Education.

DUTIES AND POWERS OF THE BOARD FOR POLICY MAKING AS PRESCRIBED BY LAW:

1. Determine the educational policies of the district and prescribe rules and regulations for the conduct and management of the schools; enforce the provisions of state law relating to school attendance.

2. Grade and standardize all the schools under their jurisdiction, shall establish kindergartens, playgrounds, and such other types of schools, subject to approval of the State Board of Education, as in its judgment will promote the educational interests of the district.

3. Adopt courses of study.

4. Select, purchase and distribute free of charge, such textbooks and other materials of instruction, stationery, furniture, equipment, apparatus and supplies as are necessary to the work of the schools.

5. Provide forms on which school employees shall make reports as may be required by the school board.

6. Make all reports required by the state Secretary of Education at such time, upon such items, and in such form as may be prescribed by the Secretary of Education.

7. Appoint personnel.

8. Control and management of school property; tax exemption.

   All property, estate, effects, money, funds, claims and state donations heretofore vested by law in the public school authorities of any reorganized school district for the benefit of the free public schools of the district shall be under the control and management of the Board of Education of such district.

   Any real and personal estate granted, conveyed, devised or bequeathed, or which may hereafter be granted, conveyed, devised or bequeathed, for the use of any reorganized school district, shall be held in trust by the Board of Education for the benefit of the free public schools of the respective district.

   Such grants, bequests, or money invested in trust for the use of any special school district shall be exempt from all state, county and local taxes.
The Board shall exercise its rule making power by adopting procedures and policies for the organization and operation of the school district. Those procedures and policies which are not dictated by the statutes or rules of the State Board, or ordered by a court of competent authority, may be adopted, amended or repealed at and public meeting of the Board.

The purpose of this manual is to provide access to the guiding policies of the Cape Henlopen Board of Education as a reference for their future action and as an administrative directive for the operation of the schools of the Cape Henlopen School District. Included are incorporated policies adopted, followed by regulations and procedures to implement such policies. It is anticipated that this manual will be of sufficient scope that the superintendent of schools, his assistants and the principals of the individual buildings will at all times have adequate information and guidance to make administrative decisions as the demand occurs. In cases of conflicting policy interpretations of previous Boards of Education in the Cape Henlopen School District, the applicable provisions provided here shall be current.

POLICIES

These are principles adopted by a school board to define the goals and to give direction to the educational system for which they are responsible and to guide those persons who carry on the work of the system. Policies should be sufficiently broad to allow school personnel to use judgment in meeting the variety of day to day circumstances, yet policies should be narrow enough to clearly communicate the intentions of the school board.

ADMINISTRATIVE PROCEDURES

These are detailed rules which regulate the way in which the school system carries out the policies of the school board. The administrative procedures specify the "how," the "who," the "when" by which such policies are utilized in day to day operations and are formulated by the school administrators, primarily by the superintendent.
MEMBERS OF THE BOARD

School board members shall be elected or appointed as provided in the Delaware Code. School board elections, as required, shall be held on the second Tuesday of each May as described in the Delaware Code.
ORGANIZATION OF THE BOARD

The Board of Education shall meet at a designated meeting place in the month of July each year and elect one of its members as president and another of its members as vice president. The Board shall designate the superintendent as the executive secretary of the school board.

Adopted: June 26, 1986

Revisions:
WORKSHOP AND REGULAR MEETINGS

Regular Meetings: These meetings will be held each month. The time and location of the meetings will be determined in July at the annual meeting.

Workshop Meetings: These meetings may be called on an as needed basis to address topics which may need action prior to the regularly scheduled monthly Board meeting. The time and location of the meetings will be determined in July at the annual meeting.

SPECIAL MEETINGS

Special Meetings: These meetings may be held whenever the duties and business of the School Board may require them. Special meetings are called by the direction of the Board president.

A tentative agenda shall be released to the local newspapers, posted on the District website, and sent to each school for posting seven (7) calendar days prior to each Board meeting. If deemed necessary, the tentative agenda will also be posted in other appropriate locations. The tentative agenda is subject to modifications and/or additions.

The agenda for regular School Board meetings will be developed by the superintendent, approved by the Board President, and received by the Board members at least seven (7) calendar days prior to the meeting.

Citizens may request to have items placed on the agenda by presenting a written request to the executive secretary by noon twelve (12) calendar days prior to the meeting.

Board Members may request to have items placed on the agenda by presenting a written request to the executive secretary and Board President by noon eleven (11) calendar days prior to the meeting.

The Board of Education will allot at each workshop and regular meeting up to 15 minutes for citizens' participation. Citizens may speak for three (3) minutes unless the time limit is waived without objection by the majority of the Board members present.

The major purpose of citizens' participation is for the Board of Education to hear citizens' views on ways to improve the educational program and ways to improve the processes, including communication for bringing about such improvements for non-agenda items. Citizens' are required to complete the Public Participation Request Form prior to the meeting being called to order. Inflammatory or abusive remarks are always out of order. The presiding officer may terminate the speaker's privilege to address if, after being called to order, the speaker persists in improper conduct or remarks. No person shall initiate charges or complaints against individual employees of the district until after they have followed Board Policy No. 906. All such charges, complaints, or challenges must follow the district complaint policy (No. 906 of this manual).

As "Public Commentary", individuals desiring to address Board meeting agenda items will be acknowledged by the Board President following the Board's discussion of each agenda item. A limit of fifteen (15) minutes shall be provided with each individual speaker limited to three (3) minutes. Speakers are limited to one comment per agenda item. Speakers are not required to sign up in advance. Individuals do not fill out a form.
ORDER OF BUSINESS

The following will be the order of business at regular meetings of the Board:

1. Opening/Call to order
2. Executive Session
3. Reconvene Open Session
4. Routine Business
5. Regular Agenda
6. Financial Business
7. Board Committee Reports
8. Adjournment

School Board minutes are the official records of all business conducted by the Board. Minutes shall be complete and accurate. As required by law, legal decisions are possible only on the basis of the records of meetings as they appear in the minutes. A secretary shall be present to insure accurate recording of the minutes.

The approved minutes of Board meetings will be posted on the District website.

EXECUTIVE SESSION

The School Board reserves the right to convene in executive session closed to the public and media when the majority of the members present and voting so vote. As required by law, the purpose for an executive session shall be set forth in the agenda. The Board may meet in executive session only for the purposes which the law recognizes.

No action will be taken by the Board in executive session except as permitted by state law. In order to act upon items considered at an executive session, the Board will reconvene in open session. That such a meeting was, or will be held, along with items discussed or to be discussed, will be recorded in the minutes of the subsequent or preceding open session of the Board. Board members and any persons attending an executive session are duty bound not to disclose any details of the discussion held.

The superintendent or a designated representative shall attend all executive sessions except those which pertain to the superintendent’s employment.

Adopted: June 26, 1986
The Cape Henlopen School District manual of Policies and Procedures is designed to be a useful guide for all members of the Board, the administration of this District, and all personnel employed by the Board.

The Cape Henlopen School District Board Policies will be posted on the District website.
The Board has an expressed commitment to recognizing students and staff for outstanding performance.

Principals will notify the Superintendent of a student, student groups, student organizations, or a staff member(s) to be considered for extraordinary recognition. The Superintendent will determine from those notifications who will be recognized at a Board meeting (Regular).

The Board further supports positive recognition at the building level. School administrators are encouraged to share student and staff accomplishments with various media sources via current District procedures. All schools should strive on a regular basis to recognize individual students, student groups, student organizations, and staff members during school assemblies, pep rallies, etc.
To the extent there is a discrepancy among Board policies, the most recently adopted Board policy shall prevail. When discrepancies arise, the superintendent shall recommend revisions to the policies to ensure consistency, accuracy, and understanding.
See Board Policy 613 – District Travel Policy
The Cape Henlopen Board of Education recognizes its power to be a role model for fairness in school governance. To achieve maximum positive results, the following standards are set forth by the Cape Henlopen Board of Education:

1. As representatives of the citizens of the Cape Henlopen School District, all Board members shall conduct themselves at all times in a manner worthy of the public trust.

2. Board members shall avoid conflicts of interest and shall not use Board membership for personal gain.

3. Board members shall strive to avoid the appearance of impropriety that can undermine the trust of the community.

4. Board members shall operate executive sessions fully in accordance with and in the spirit intended by the sunshine laws, maximizing the trust of the community and maintaining required confidentiality.

5. A Board member shall make no attempt to take advantage of his/her position by soliciting unilateral action by the superintendent and other staff members.

6. Board members shall recognize that authority rests only with a quorum of the Board while holding a duly posted meeting, not with committees appointed by the Board as a whole or with individual Board members. As such, no member shall make any personal promise nor take any private action that might compromise the Board or restrict its options.

7. The Board recognizes that the best solutions and answers come after much discussion, deliberation, and disagreement, and it therefore recognizes the positive and negative aspects of such dissent. However, individual members shall refrain from attacks and criticism of the character of another Board member.

8. Board members must explicitly and simultaneously state that they are expressing a personally held view when expressing a position or viewpoint in contradiction to established, public Board position(s)/action(s).

9. Board members shall avail themselves to both state and local orientation opportunities and other board-related, information-sharing opportunities.

10. New Board members will be provided a local orientation to cover local policies and procedures.

11. The Board reserves the right to publicly censure a member, by majority vote, for violation of any of the above ethics guidelines.

I understand these responsibilities as a Board member, and I agree to abide by them throughout my term.

Name ___________________________ Date ________________________

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The Cape Henlopen School District prepares each student for a healthy, creative, and rewarding life in a diverse and global society by creating an educational environment which enables each student to achieve personal excellence and lifelong learning skills to become a productive and responsible citizen.
The Cape Henlopen School District Board of Education is committed to the belief that successful interscholastic athletic programs play an important role in the educational process. The Board of Education supports such athletic programs and is committed to maintaining diverse and successful athletic programs made available to eligible students on a volunteer basis. Additionally, there is a commitment to provide equal opportunities for male and female athletes to participate in competitive sports.

The Cape Henlopen School District Board of Education recognizes that a successful high school athletic program is one that will promote high self esteem and good moral character, build skills, be reasonably inclusive, and foster a wholesome competitive spirit in those students directly involved as athletes. A successful program will also facilitate a positive school environment and promote school spirit among the entire student body and the community. To promote student responsibility, it is also understood that athletes must conform to team and school rules and regulations in order to earn the right to participate.

The Cape Henlopen School District Board of Education believes the purpose of middle school athletics is to provide activities where students have the opportunity to participate in a sport to the greatest extent possible. The emphasis of the middle school athletic program shall be on the acquisition of fundamental knowledge of a sport, fair play, and competition at a level appropriate to the student's interests and abilities. In the middle schools, the emphasis shall be on activities that are developmental in nature and occur in an environment that promotes social interaction. The success of a middle school athletic program shall be based on the amount of participation the athletes experience rather than on winning. As a final goal, Cape middle school athletics shall strive to create unity for athletes moving on to the high school as Cape Henlopen Vikings. While the Board of Education takes pride in winning, it does not condone "winning at any cost" and discourages any pressure that might tend to submerge good sportsmanship and mental health beneath the desire to win.

To this end, the Cape Henlopen School District Board of Education will strive on every level to provide the coaches, uniforms, and equipment deemed necessary for team success and athlete safety. There shall be cooperation and support from all involved to establish and/or maintain successful athletic programs that meet all district expectations in regards to academics, attendance, discipline, and inclusion.

The Cape Henlopen School District Board of Education believes that an ultimate goal of interscholastic athletics is to produce athletes who have learned the valuable lessons of teamwork, good sportsmanship, fair play, and hard work. Win or lose, through these lessons, they will learn self discipline and respect for themselves and their opponents, build self confidence, and develop skills which will enable them to become responsible adults and productive citizens in a highly competitive society.

Cape athletes shall be required to meet the grade and behavior requirements of DIAA regulations.

Adopted: June 24, 1999  Revisions: September 28, 2006
The Cape Henlopen School district does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, disability, or age in its employment programs and activities. This policy will prevail in all matters concerning staff, students, the public, educational programs and services, and individuals with whom the Board does business.

In keeping with the requirements of federal and state laws, the Cape Henlopen School District is committed to this policy in all areas related to employment, assignment and promotion of personnel; in educational opportunities and services offered students, in student assignment to schools and classes, in discipline; in location and use of facilities; and in educational offerings and materials.

Any complaints related to discrimination should be directed to the school district administrator in charge of personnel.
The Cape Henlopen School District is committed to integrate all aspects of our diverse community into building an understanding and respect for all cultures and ethnicities. The district is committed to a districtwide educational environment that supports educational excellence regardless of race, gender, national origin, handicapping conditions, or religion. Equitable academic programs and services must respond to the needs and recognize the strengths of a culturally diverse school district.

The district supports diversity training for all employees as a way to expand and enhance tolerance and acceptance of all cultures and ethnicities.
The Board recognizes its responsibility for the improvement and growth of the educational program of the schools. To this end's the curriculum shall be evaluated, adapted, and developed on a continuing basis and in accordance with a plan for the curriculum growth.

The Board further recognizes that budget constraints are important in selecting and implementing new programs; therefore, financial impacts will be presented and considered prior to approval.

GENERAL STATEMENT

The program of instruction for each type of school and the subjects to be taught shall include all studies required by the Department of Education, general laws, and the Board. Programs for the different types and levels of education shall be based upon the educational philosophy of the Cape Henlopen School District in keeping with sound educational thought and practice.

PROGRAM AND SCHEDULE

Responsibility for implementing the program of instruction, allocating time, and establishing school programs and schedules is delegated to the superintendent and administrative staff who shall exercise care that such schedules are consistent with the laws, Board policies, requirements of authorized accrediting bodies, and practices that promote effective learning.

While the responsibility is delegated to the superintendent and staff, it is the intent of the Board to be kept informed of programs and schedules within the district. Therefore, scheduling issues that have significant impact on staffing, budget, or program design should have the concurrence of the Board prior to implementation.

Adopted: June 26, 1986
Revisions: December 10, 1998; September 28, 2006
The Cape Henlopen School District encourages a level of personal hygiene that supports good health. Good personal hygiene habits must be encouraged, taught, and practiced by all students throughout the District. In physical education classes where shower facilities are afforded to students, students will be given the opportunity to utilize the shower facilities. However, showers are not mandatory.
The District will provide a comprehensive standards-based instructional program to serve the educational needs of the students of the District. The instructional program will meet the requirements of state and/or federal mandates.
The Board recognizes that summer reading provides students with an opportunity for recreational reading, personal exploration, and continued intellectual growth. It also serves as an essential component of the instructional process in schools, helping students to retain what they have learned the previous school year and to improve academic performance.

The Board also recognizes that enrollment in honors and Advanced Placement coursework involves summer assignments that prepare students for the challenge of advanced coursework during the school year.

Summer assignments will provide educationally significant, age-appropriate learning experiences that take into consideration the varied interests of students and help them prepare for the start of the school year. Books considered for inclusion on summer reading lists may be chosen because they tie in with the school's curricular initiatives, or they provide students with an opportunity for recreational, pleasure reading.

District-level administrators shall ensure that summer assignments are consistent across grade levels and schools, and that expectations are aligned to current educational standards.

Teachers may include grades for summer assignments in the calculation of students' grades for the first marking period of the school year. Principals shall ensure that grading practices for summer assignments are in compliance with Board Policy 213: Grading of Student Progress.

Summer assignments and grading criteria, along with lists of required or suggested summer reading material, will be published on school web sites by April 15 each year. Citizens of the school community who wish to challenge the required or suggested materials may do so by May 15 via the challenge process found in Board Policy 110: Instructional Methods, Materials, and Supplies.
All Cape schools promote the use of their library/media center materials. All Cape school libraries are guided by American Library Association standards.

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Adopted: June 26, 1986  
Revisions: September 22, 2016
INSTRUCTIONAL METHODS AND MATERIALS

The schools shall employ such instructional methods and materials as will promote the objectives of the district as effectively and efficiently as possible, and as will allow for differences in individual capacities, interests, and abilities.

Since the intellectual activity of the district revolves about a well-rounded and useful collection of materials, it is essential that these materials encompass each phase of learning within the realm of knowledge. All materials should enrich and support the district curriculum and stimulate learning, satisfy curiosity, and encourage exploration of new fields of interest. In acquiring information, each student will be able to develop habits, skills, attitudes, interests, and appreciation which will prepare the student to live in a democratic society as a useful citizen in the community.

1. BOOKS AND MATERIALS

When possible, all authorized books and instructional materials shall be furnished free to pupils.

A. Materials may be defined as printed material trade books, text books, general reference books, and bibliographies, periodicals, and pamphlets, and other media (recordings, tapes, films, pictures, graphics, filmstrips, computer software, microfiche, and programmed materials) which are used to develop, support, and enrich the curriculum of the district and to provide for the personal needs of students and teachers.

B. Selection of materials because of changing and enlarging curriculum and the publishing of new materials is a continuous process. Therefore:

(1) When considering new curriculum, textbooks, and instructional materials for adoption and purchase as part of a district-wide curriculum adoption, the Board agrees to consider the recommendation of the Curriculum Study Committee. The committee will consist of district administrators and other members selected from the Professional Employees. The decision of the Board will be final.

The Board’s decision will be based on the degree to which the Board determines that the formation and conduct of the committee has conformed to due process procedures and positions of the Board within this and other policies, including

101 Philosophy of Education;
104 Multicultural Policy;
105 Curriculum Development;
107 Adoption of Courses of Study;

(2) Professional Employees will receive individual written notices of the pending formation of a Curriculum Study Committee. Professional Employees interested in serving on this committee after notification will submit their names in writing to the appropriate director/supervisor of curriculum for consideration for said committee. The administration will appoint a committee with a balanced representation of communities, grade levels, and subject areas involved in the curriculum study.
(3) Selections shall be made by examination of material when possible and/or from recognized authoritative bibliographies or lists of materials recommended for the interest level involved.

(4) Upon the Board’s affirmative decision to adopt, but prior to the implementation of the new district-wide curriculum, textbooks, or instructional materials, the Curriculum Study Committee will reconvene for curriculum development and to establish guidelines to be used for the implementation.

C. Challenged or questioned materials: Since opinions may differ in a democracy, the following procedures will be observed in recognizing those differences in an impartial and factual manner.

(1) Citizens of the school community may register their criticism with the school principal. All criticism shall be in writing. The statement shall include the specific information as required on the Request for Reconsideration of Library and Instructional Materials form. The form is available at the office.

(2) The appropriate director/supervisor will chair and appoint a committee of school personnel to reevaluate the materials being questioned and to make recommendations.

a. The questioned materials shall be read and reevaluated by a committee composed of three certified personnel. The three members shall be selected by the director/supervisor and consist of the librarian and two teachers, one of whom must be a specialist in the subject area. The report of this committee will be completed within 20 school days.

b. It is recommended that the director/supervisor invite qualified citizen(s) of the school district to serve on the committee.

c. The director/supervisor’s decision concerning the committee’s recommendation shall be sent in writing to the complainant. Copies of the decision shall be sent to the Superintendent, librarians, committee members, and school principal.
Technology is used in the Cape Henlopen School District to support teaching and learning. Users of the district's computers and networks and the Internet (Web, e-mail, chat, messaging, and any other electronic devices including cell phones) are responsible for their actions. The use of technology in the district must be consistent with the academic goals of the school and the district. Access to the technology is given to students who agree to act in a considerate manner and follow the Cape Henlopen School District Code of Conduct, the state of Delaware Acceptable Use Policy, and school rules when using the system. Computer files and network storage areas will be treated like student lockers. System administrators and school staff may monitor or review files and communications to maintain system integrity and to ensure responsible system use. Violations may result in the loss of access as well as other disciplinary or legal action. NOTE: The district employs blocking and filtering measures to restrict access to material harmful to minors.

ACCEPTABLE USES OF TECHNOLOGY FOR STUDENTS:

- Using technology in the district in a manner consistent with the academic goals of the school and district
- Accessing systems using only authorized usernames/passwords

UNACCEPTABLE USES OF TECHNOLOGY FOR STUDENTS may include, but are not limited to the following, which may result in disciplinary or legal action:

- Harassing, insulting, or attacking others
- Intentionally damaging computers, software, systems, or networks
- Revealing personal information or parents' personal information such as addresses, telephone numbers, credit card numbers, etc.
- Sending or displaying messages or pictures that are offensive
- Using obscene or profane language
- Violating copyright laws
- Using the network for illegal or commercial purposes, including "hacking" and other unauthorized access
- Using or bypassing another person's username and password
- Trespassing in another's folder, work, or files

As a user of technology in the Cape Henlopen School District, I hereby agree to comply with the Acceptable Use Policy.

Student Signature ___________________________ Date ____________

As the parent or legal guardian of the student signing above, I grant permission for my son/daughter to access district technology services including e-mail and the Internet. I understand that individuals and families may be held liable for violations. I understand that some materials of the Internet may be objectionable, but I accept responsibility for guidance of Internet use - setting and conveying standards for my son/daughter to follow when selecting, sharing, or exploring information. This agreement applies until the end of the current school year.

Parent Signature ___________________________

Date __________ Name of Student ___________________________ Birthdate ____________

School ___________________________ Grade _____ Homeroom __________________

The Cape Henlopen School District believes that school counseling programs (personal/social, academic, and career) are an integral part of the overall educational program of our schools. School counseling programs are collaborative efforts that involve students, parents, teachers, administrators, and our community. School counselors’ work is valued for its contribution to increased student achievement.

The Cape Henlopen School District supports the American School Counselor Association (ASCA) school counseling model, that:

- Promotes achievement, attendance, behavior, and school safety
- Is based on school data
- Addresses academic, career, and personal/social development

Counseling programs shall be the collaborative concern of all professional staff and parents.
Every exceptional student attending the schools of this district shall be offered an educational program that is appropriate for his/her individual needs and is suited to his/her unique abilities.

Provisions shall be established for those school-age children and youth who require special instruction, either in separate programs or within the regular classroom. These shall be in accordance with the general laws and the regulations of the state or Department of Education, and such other provisions as the superintendent and the school board may deem appropriate.
1. The Cape Henlopen School District does not discriminate against individuals on the basis of handicap. This nondiscriminatory obligation under Section 504 of the Rehabilitation Act applies to admission or access to, participation in, or treatment or employment in its programs and activities.

2. As used in this policy and any implementing procedures, "an individual with handicaps" means a person who has, or had, or is regarded as having, a physical or mental impairment that substantially limits one or more of his/her major life activities.

3. The superintendent will assign Section 504 compliance officers to coordinate the district's efforts and each building's efforts to comply with Section 504 and to investigate and attempt to resolve grievances regarding alleged violations of Section 504 and this policy. A copy of the Rehabilitation Act of 1973 and Section 504 implementing regulations may be obtained from the Section 504 compliance officer.

4. Notice of the Board's policy on nondiscrimination in employment and education practices shall be published in any district recruitment statements or general information publications.

5. The Board will adopt a grievance procedure to provide for prompt and equitable resolution of complaints alleging violations and Section 504 and this policy.
PHILOSOPHY

The Cape Henlopen School District Board of Education believes that teachers need to be able to communicate on a regular basis with parents or guardians. While there is no substitute for face-to-face or other direct communications, more and more homes and public places have access to computers; therefore, technology communication is an appropriate and expected additional method of home-school communication.

In an effort to foster home-school communication, the district has established website space and home pages for all professional staff members and has established “Home Access” in grades six through twelve, which is a method by which teachers can post assignments and grades and communicate with parents about student progress.

RESPONSIBILITIES

It shall be the responsibility of every professional staff member, Grades K-12, to establish a web page at the beginning of each school year that provides at a minimum the following:

- Contact information
- Class or course requirements
- Classroom rules and procedures
- Grading policies

Specialists shall provide information relevant to their positions.

Training for staff members who need assistance shall be provided by the building website manager, the district instructional technology specialist, and the district technology staff as requested.

Each school principal, in collaboration with the building website manager and the district instructional technology specialist, will evaluate the school’s website annually.

It shall also be the responsibility of every teacher in grades six through twelve to establish “Home Access” annually in order to allow parents regular access to current grades and assignments.

Both the web pages and “Home Access” shall be on line by September 30, and “Home Access” shall be updated as appropriate, depending on subject and content, throughout the school year.
Cape Henlopen School District
GRIEVANCE PROCEDURE

A Procedure, Complaint Form and Complaint Investigation Procedure
in compliance with the requirements of
Title IX and Section 504

The Cape Henlopen School District is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, or gender identity, against victims of domestic violence, sexual offenses, or stalking, or upon any other categories protected by federal, state, or local law. (El Distrito Escolar Cape Henlopen ofrece oportunidades iguales de empleo y sin discriminación de raza, color, credo, religión, género (incluyendo embarazo, parto y sus condiciones médicas), nacionalidad, ciudadanía o ascendencia, edad, discapacidad, estado civil, servicio military(veterano), información genética, orientación sexual, o identidad de género, en contra de víctimas de violencia doméstica, ofensas sexuales, acecho, o bajo cualquier otra categoría protegida por la ley local, estatal, y federal.) Edward I. Waples, Employee/Student Compliance Officer: OCR/Title IX/504 Office of Human Resources; J. Conrad, Student 504 Compliance Officer, 1270 Kings Highway, Lewes, DE 19958.
The Delaware Department of Education (DOE) is responsible for ensuring that sub-recipients of Federal financial assistance do not discriminate against beneficiaries on the basis of race, color, national origin, sex or disability status. Two federal regulations require that a recipient adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on sex or disability [Section 504: 34 CFR 104.7(b); Title IX: 34 CFR 106.8(b)].

The following is a combined Title IX and Section 504 grievance procedure, including a grievance form. It will be used by the Cape Henlopen School District for the processing of both student and employee complaints of discrimination on the basis of sex or disability. This procedure provides for the processing of a grievance at three levels of progressive decision making. At Level I, a grievance is heard by an authority at the level most immediate to many grievance occurrences. Level II decision making is at the central administrative level of the agency or institution. Level III calls for final grievance resolution by the governing body of the agency/institution, such as the Board of Education.

It should be remembered that Title IX and Section 504 regulations are not specific as to the type of grievance procedure to be used. The regulations merely require that a grievance procedure be “prompt and equitable” when responding to alleged discrimination. Collective bargaining grievance procedures are usually inappropriate in this regard since most do not cater to students and because the provisions of Title IX and Section 504 are not subject to collective bargaining and contract negotiations.

For more information or assistance regarding this procedure and form, please contact:

Edward I. Waples  
Human Resources  
1270 Kings Highway  
Lewes, Delaware 19958  
Tel: (302) 645-6686

Jeanette Hammon  
Delaware Department of Education  
Human Resources  
Title IX Coordinator  
401 Federal Street, Suite 2  
Dover, DE 19904  
Tel: (302) 735-4031

I. Filing of Grievances

A. Eligibility for Filing: Any student or employee, or any individual may file any grievance of sex discrimination or sexual harassment with the Title IX coordinator. Any student or employee, may file any grievance of discrimination on the basis of a physical or mental handicap with the Section 504 coordinator.

B. Pre-grievance Contact: Prior to the submission of a written grievance to a hearing officer, the grievant(s) may request pre-grievance contact with the respondent alleged to be directly responsible for the violation, and/or with the persons having immediate supervisory authority related to the grievance. These persons may make reasonable efforts to meet with the Title IX or Section 504 coordinator to discuss the grievance that the student(s) or employee(s) wishes to bring to their attention. Such a pre-grievance contact, however, shall be at the option of the grievant(s); it shall not be a precondition for the submission of a written grievance to a hearing officer.

C. Grievance filing: Grievances filed with the Title IX or the Section 504 coordinator shall be in writing on a form provided by the coordinator, and shall provide the following information: name and address of grievant(s); nature of alleged violation; name of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be at the option of the grievant), and any background information the grievant believes to be relevant.

D. Grievance forms: A grievance form (see next page) shall be prepared by the grievant and the Title IX or the Section 504 coordinator who will facilitate the filing of the grievance. These forms may be obtained from the Title IX or Section 504 coordinators, or any other person designated to handle these complaints. The grievant shall have the right to request assistance from the Title IX or Section 504 coordinator or any other individual, to assist in the preparation of the form or in the filing of the grievance.

E. Time Limit for Filing a Grievance: A grievance must be filed within 60 days of the occurrence of the alleged Title IX violation or the alleged Section 504 violation.

F. Grievance Provisions: Prior to filing a grievance, the grievant(s) shall be informed of the provisions and their rights, and shall be given a copy of Part V: General Provisions (see pages 9 and 10).
The Cape Henlopen School District
Title IX and Section 504 Grievance Form

Today’s Date _____________________________

Complaint’s Name(s)  _________________________________________________________________

Last Name     First Name       Initial

Address  ____________________________________________________________________________

City  _______________________________________  State  _____________  Zip Code  ___________

Telephone Number  _________________________________________________________________

Circle One:  Student   Employee  Parent in behalf of student

Circle One:  Title IX grievance    Section 504 grievance

Specifics of Complaint (describe below, including any dates of alleged discrimination). Attach an extra page if necessary.

If you wish, please describe any corrective action you would like to see taken with regard to the possible civil rights violation. Attach an extra page if necessary.

Would you like a pre-grievance contact with an identified respondent before a decision of a hearing officer is made?  Circle One:  Yes or  No

__________________________
Signature of Complainant

Name of Grievant  _________________________________________________________________

Name of Title IX/Section 504 Coordinator  ______________________________________________
This section is for the use by the Title IX or Section 504 coordinator. Check below the course of action to be taken prior to submitting a copy of the grievance form and a copy of this form to be the identified respondent or to the respective hearing officer.

(  ) Pre-grievance Contact: Date Submitted _______________________

______________________________________________________________

Name of Identified Respondent

______________________________________________________________

Due Date for response from person named above

(  ) Level I: Date Submitted ________________________________________________________________________________

______________________________________________________________

Name of Hearing Officer Job Title

______________________________________________________________

Due Date for response from person named above

(  ) Level II: Date Submitted __________ Due Date for Hearing __________

______________________________________________________________

Name of Hearing Officer

______________________________________________________________

Date of Hearing and Due Date for response from person(s) named above

(  ) Level III: Date Submitted __________ Due Date for Hearing __________

______________________________________________________________

Name of Hearing Officer(s) Position Title

______________________________________________________________

Date of Hearing and Due Date for response from person(s) named above

This section is for use by the identified respondent or hearing officer(s). Prior to returning this form to the Title IX or Section 504 coordinator, circle your decision regarding the grievance: **denied** or **granted**

If grievance has been granted, explain on another paper and/or circle your decision regarding the corrective action requested by the grievant: **agree** or **disagree**

______________________________________________________________

Signature of Identified Respondent/Hearing Officer(s) Date
II. Definitions

A. **Grievance:** a complaint alleging any policy, procedure, or practice which would be prohibited by Title IX or by Section 504.

B. **Title IX:** Title IX of the Education Amendments of 1972, the 1975 implementing regulation, and any memoranda, directive, guidelines, or subsequent legislation that may be issued or enacted.

C. **Section 504:** Section 504 of the Rehabilitation Act of 1973, and any memoranda, directive, guidelines or subsequent legislation that may be issued or enacted.

D. **Grievant:** a student or employee of (name of institution/agency) who submits a grievance relevant to Title IX or to Section 504.

E. **(Name of institution/agency):** any reference to any school, department, subunit or program operated by (name of institution/agency).

F. **Title IX Coordinator:** the employee(s) designated to coordinate (name of institution/agency) efforts to comply with and carry out its responsibilities under the Title IX regulation.

G. **Section 504 Coordinator:** the employee(s) designated to coordinate (name of institution/agency) efforts to comply with and carry out its responsibilities under the Section 504 regulation.

H. **Respondent:** a person alleged to be responsible or who may be responsible for the Section 504 or the Title IX violation alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

I. **Hearing Officer:** the representative(s) of (name of institution/agency) or of its governing body who is delegated authority for hearing/resolving a grievance at a specified level of grievance processing.

J. **Grievance Answer:** the written statement of the respondent regarding the grievance allegation and possible corrective action.

K. **Grievance Decision:** the written statement of a hearing officer of his/her findings regarding the validity of the alleged grievance and the corrective action to be taken.

L. **Day:** a working day. The calculation of days specified in this grievance procedure exclude Saturdays, Sundays, and holidays. Any time limits set by this procedure may be extended, however, by mutual consent of the grievant(s) and the respondent(s).

M. **Corrective Action:** the action which is taken by (name of institution/agency) to eliminate or modify any policy, procedure, or practice found to be in violation of Title IX or Section 504, or to provide redress to any grievant injured by the identified violation.
III. Initial Processing of Grievances

A. Notification of Respondents: Within five days of the filing of a grievance, the Title IX or Section 504 coordinator shall submit a copy of the completed grievance form to the respondent(s), if requested by the grievant. The respondent(s) shall provide a written grievance answer and return the grievance form to the Title IX or Section 504 coordinator within five days after receipt of the grievance.

B. Respondent's Grievance Answer: The respondent(s) receiving a copy of a grievance form shall, within five days, submit a written grievance answer to the grievant via the Title IX or Section 504 coordinator. Such answer shall confirm or deny each fact alleged in the grievance, indicate the extent to which the grievance has merit, or indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.

C. Referral of Grievance and Grievance Answer to Appropriate Processing Level: Within five days after receipt of the respondent's written grievance answer, the Section 504 or Title IX coordinator shall determine the appropriate level for first grievance processing and submit a copy of the grievance form and the respondent's grievance answer to the appropriate hearing officer. If no grievance answer has been received from the respondent(s) by the fifth day after notification, the Section 504 or Title IX coordinator shall, on the sixth day, immediately submit a copy of the grievance form to the appropriate hearing officer along with a notice of non-response from the respondent.

The criteria which shall be used by the Section 504 or Title IX coordinator in determining the appropriate level for first processing of a grievance include:

**Level I:** Grievance involving policy, procedure or practice of single unit or subunit of agency/institution.

**Level II:** Grievance involving administrative policy, procedure, or practice of entire agency/institution.

**Level III:** Grievance involving policy for which a governing board is primarily responsible.

The hearings officer selected by the Title IX or Section 504 coordinator at each level shall be:

**Level I:** Examples are: principal, pupil personnel officer, chairperson of a department, dean of a school, or supervisor of non-instructional staff.

**Level II:** Examples are: superintendent, president or executive director of an institution or service area.

**Level III:** Governing board of agency/institution or representative of the governing board.

If the grievance is referred directly to Level II or to Level III for first processing, the Title IX or Section 504 coordinator shall write the reason(s) for this decision on the form.
IV. Grievance Processing Levels

A. Level I:

1. Written grievance decision by Level I hearing officer - when a grievance and, if possible, a grievance answer or non-response are referred to Level I for first processing, the Level I hearing officer shall, within five days of referral, submit a written grievance decision to the grievant, and if applicable, the respondent, via the Title IX or Section 504 coordinator. The decision shall: 1.) confirm or deny each fact alleged in the grievance and in the respondent’s answer; 2.) indicate the extent to which the grievance has merit; and 3.) indicate acceptance or rejection of any redress specified by the grievant or respondent.

2. Acceptance or rejection of hearing decision by the grievant - if the grievant rejects the Level I hearing decision, she/he shall, within ten days of the receipt of the hearing decision, notify the Section 504 or Title IX coordinator of his/her intent to appeal the grievance to Level II. This notification shall be in writing. If no such notification is received by the Section 504 or Title IX coordinator within this time period, any corrective action specified in the Level I hearing decision shall be taken, and the grievance will be recorded as closed.

3. No written decision by Level I hearing officer - in the event that no written decision is issued by the Level I hearing officer within five days of referral, the Title IX or Section 504 coordinator shall, on the sixth day, immediately arrange a date for a Level II hearing, and submit the grievance along with a notice of non-response from the Level I hearing officer to the Level II hearing officer.

B. Level II:

1. Scheduling of a Level II hearing; notification of participants - within five days of the grievant’s request to appeal the grievance to Level II, the Title IX or Section 504 coordinator shall arrange a date for a Level II hearing. The coordinator shall notify the grievant, the respondent if applicable, and the Level II hearing officer of the time, place, and minimum duration of the hearing. The hearing shall be held within five days after appeal/referral of the grievance to Level II. If any written materials or records relevant to the grievance are transmitted to the Level II hearing officer by the Title IX or Section 504 coordinator at the time of notification, copies of these materials shall also be transmitted to the grievant and, if applicable, the respondent.

2. Persons present at the Level II hearing - persons at the information hearing shall include the grievant, the respondent, any representative(s) of either the grievant or the respondent, any individual requested by either party to provide information relevant to the evaluation of the grievance, and the Level II hearing officer. The Title IX or Section 504 coordinator shall be present to act as moderator and recorder. Hearings shall not be open to other persons unless requested or approved by the grievant.
3. Procedures governing the conduct of the Level II hearing -
   a. Duration: no hearing shall be less than three hours long, unless all parties consent to a shorter hearing. The time established for the duration of the hearing shall be allocated in equal parts to the grievant and the respondent. The Title IX or Section 504 coordinator shall moderate the usage of time.

b. Grievance witnesses: both the grievant and the respondent shall have the right to present such witnesses as they deem necessary to develop the facts pertinent to the grievance.

c. Questioning of witnesses: formal rules of evidence shall not be applied to the Level II grievance hearing. The grievant and respondent shall have the right to use their allocated time to ask questions or any person participating in the hearing.

4. Level II hearing decision - within five days after the Level II hearing, the Level II hearing officer shall issue a written decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant and the respondent via the Section 504 or Title IX coordinator.

5. Acceptance or rejection of hearing decision by the grievant - if the grievant rejects the Level II hearing decision, she/he shall, within ten days of the receipt of the hearing decision, notify the Title IX or Section 504 coordinator of her/his intent to appeal the grievance to Level III. This notification shall be in writing. If no such notification is received within this time period, any corrective action specified in the Level II hearing decision shall be taken, and the grievance will be recorded as closed.

6. No written decision by Level II hearing officer - in the event that no written decision is issued by the Level II hearing officer within five days after the Level II hearing, the Title IX or Section 504 coordinator shall, on the sixth day, immediately submit a copy of the grievance form for processing at Level III, along with a formal notification for a Level III hearing, to the governing board of (name of institution/agency) or its designated representative(s). The grievance form shall also include a notice of non-response from the Level II hearing officer.

C. Level III:

1. Grievance hearing conducted by the governing board or the board’s designated representative(s). Processing activities shall occur on the following schedule:

   a. Scheduling of the hearing: within five days of the grievant’s request to appeal the grievance to Level III, the Section 504 or Title IX coordinator shall submit to the governing board or its designated representative(s) a copy of the grievance and a formal notification requesting a date for the Level III hearing. The coordinator shall notify the grievant, the respondent, and the Level III hearing officer(s) of the time, place, and minimum duration of the hearing to occur within fifteen days after notifying the Level III hearing officer of the grievance. If any written materials or records relevant to the grievance are transmitted to the Level III hearing officer(s) by the Title IX or Section 504 coordinator prior to the hearing, copies of these materials shall also be transmitted to the grievant, and if applicable, to the respondent.
b. Conducting the hearing: the hearing shall be scheduled for and conducted on a date not to exceed fifteen days after the appeal/referral of the grievance to Level III. It should be conducted similar to procedures governing the conduct of the Level II hearing.

2. Level II hearing decision: the governing board or the board’s designated representative(s) of (name of institution/agency) shall issue a written decision which includes a statement regarding the validity of the alleged grievance and a specification of any corrective action to be taken. This decision shall constitute the final decision issued pursuant to any grievance.

All Level III hearing decisions shall be based on a majority vote by the governing board or its designated representative(s). Any board member in disagreement with the majority or its designated representative(s) shall have the option to prepare a dissenting opinion for inclusion within the final decision.

A copy of the decision shall be sent to the grievant and the respondent, if applicable, via the Title IX or Section 504 coordinator. The superintendent or chief executive officer of the institution/agency shall also receive a copy of the decision.

3. Rejection of hearing decision by the grievant - if the grievant rejects the Level III hearing decision, she/he may notify a state or federal agency having civil rights enforcement power. These agencies are: The Delaware Office of Human Relations and the U.S. Office for Civil Rights.

V. General Provisions

A. Grievant’s Right to Information: A grievant(s) may request access to information and records of the agency/institution which relate to the validity of the grievance. If such requested information requires an unreasonable cost by the agency/institution, such request may be refused provided that the information is not submitted as evidence by the respondent(s), and that this refusal is considered during the grievance hearing. In order to protect the privacy of persons not directly involved in the grievance proceeding, the agency/institution shall reserve the right to expunge names and any identifying information not directly relevant to the substance of the grievance from any information or records supplied to the grievant.

B. Grievant’s Right to Representation and Assistance:

1. Right to representation – The grievant has the right to be represented by knowledgeable persons, organizations, or groups of her/his selection at any point during the initiation, filing, or processing of the grievance. The Section 504 or Title IX coordinator shall provide help in identifying such knowledgeable persons or groups.

2. Right to assistance – The institution/agency shall provide assistance to grievants, including access to copies of the Title IX and Section 504 regulation, related guidelines, memoranda, and other relevant materials supplied the institution by the federal government as well as access to public grievance records. In addition, the Title IX or Section 504 coordinator shall provide consultation and assistance in the interpretation of such information and the use of this grievance procedure.
Training of Grievance Hearing Officers: All persons designated as Level I, II and III grievance hearing officers may request training regarding Title IX or Section 504 regulatory requirements and non-discrimination precedents, and the basic principles and operation of this grievance procedure. This training shall be arranged by the Title IX or Section 504 coordinator. The Title IX or Section 504 coordinator may also provide continuing consultation to hearing officers regarding the civil rights requirements and the implementation of this procedure.

D. Confidentiality of Grievance Handling: Grievant(s) shall also have the right to determine whether or not their grievance record shall be open or closed to the public. Should grievants decide that the grievance record shall be open to the public, they shall have the additional right to have any matter which directly or indirectly identifies the grievant removed from all grievance records or documents open to the public. No record of grievance shall be entered in the personal file of any student or employee.

E. Maintenance of Grievance Records: Records shall be kept of each grievance. These shall include, at minimum: the name of the grievant and her/his position in (name of institution/agency); the date of grievance filing; the specific allegation made in the grievance and any corrective action requested; the names of respondents; the levels of processing and the resolution, date, and hearing officer(s) at each level; a summary of major points, facts, and evidence presented by each party to the grievance; and a statement of the final resolution and the nature and date of any corrective action taken. Such records shall be maintained on a confidential basis unless otherwise specified by the grievant, and shall be filed for a minimum of three years.

F. Prohibition of Harassment: No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having used or having helped others use this grievance process.

G. Role of the Title IX and Section 504 Coordinator(s): It is the primary responsibility of the Title IX and Section 504 coordinator(s) to ensure the effective installation, maintenance, processing, record keeping, and notification required by this grievance procedure.

H. Financial Responsibility for Grievance Processing: All costs involved in the administration of this grievance procedure shall be assumed by the Cape Henlopen School District.
The intent of the Cape Henlopen School District is to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)]. Key terms are as defined in the Children's Internet Protection Act.*

ACCESS TO INAPPROPRIATE MATERIAL

To the extent practical, technology protection measures (or “internet filters”) shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

INAPPROPRIATE NETWORK USAGE

To the extent practical, steps shall be taken to promote the safety and security of users of the Cape Henlopen School District online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

EDUCATION, SUPERVISION AND MONITORING

The responsibility of all members of the Cape Henlopen School District staff is to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children’s Internet Protection Act, the Neighborhood Children’s Internet Protection Act, and the Protecting Children in the 21st Century Act.

Procedures for disabling or otherwise modifying any technology protection measures shall be the responsibility of the ISO or designated representatives.

Instructional Staff, Library Managers, Computer Managers, or designated representatives will provide age appropriate training for students who use the Cape Henlopen School District Internet facilities. The training provided will be designed to promote the Cape Henlopen School District’s commitment to:

1. the standards and acceptable use of Internet services as set forth in this policy;
   A. student safety with regard to:
   B. safety on the Internet;
   C. appropriate behavior while on online, on social networking web sites, and in chat rooms; and,
2. cyber bullying awareness and response; and,
3. compliance with the E-rate requirements of the Children’s Internet Protection Act (“CIPA”).

Following receipt of this training, the student will acknowledge that s/he received the training, understands it, and will follow the provisions of the District’s acceptable use policies.
ADOPTION

This Internet Safety Policy was adopted by the Cape Henlopen School Board of Education at a public meeting, following normal public notice on June 14, 2012.

*CIPA definitions of terms:

MINOR: The term “minor” means any individual who has not attained the age of 17 years.

TECHNOLOGY PROTECTION MEASURE: The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are:

1. OBSCENE, as that term is defined in section 1460 of title 18, United States Code;
2. CHILD PORNOGRAPHY, as that term is defined in section 2256 of title 18, United States Code; or
3. Harmful to minors.

HARMFUL TO MINORS: The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts described, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

SEXUAL ACT; SEXUAL CONTACT: The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18, United States Code.

1 iSafe Curriculum is the primary source for Internet Safety in the Cape Henlopen School District, along with resources from Common Sense Media, and the Department of Technology and Information website.
100 PROGRAMS
118 Job Description, Minimum Duties, and Prohibited Actions for Employees

PURPOSE

The Human Resources Department will prepare and maintain job descriptions defining the duties, responsibilities, and qualifications of all positions. Only representative duties are described for each job; additional, related details and miscellaneous duties may be required in the performance of all jobs.

GENERAL GUIDELINES

A. MINIMUM DUTIES (TEACHERS)

1. Work those days and times as required as prescribed in Delaware Code, Title 14 Section 1305(i) directing Regulation 710 Public School Employees Workday;
2. Leaves suitable materials accessible for substitute teachers as required by the principal;
3. Make reports as required which are accurate, legible and on time;
4. Acknowledge receipt of information by signature when requested;
5. Implement student discipline procedures as required;
6. Report acts of violence and suspected child abuse or neglect to the principal in writing as prescribed by law;
7. Implement District policies, superintendent’s regulations, and school rules as required;
8. Take reasonable steps to insure the security of school property;
9. Abide by District adopted instructional program objectives (if applicable);
10. Perform assignments as directed by principal or his/her designee;
11. Use evaluation techniques to measure student progress based on District adopted instructional program objectives (if applicable);
12. Use diagnostic techniques to assess students’ learning strengths and weaknesses;
13. Use general prescriptive procedures based on diagnostic information;
14. Use appropriate treatment techniques based on prior general prescription;
15. Use various techniques which are intended to positively motivate students to perform their best academic work;
16. Use various techniques which are intended to positively motivate students concerning their school behavior.

B. PROHIBITED ACTIONS FOR ALL EMPLOYEES

1. Concerning Relationships with Students:
   a. Unnecessary physical contact resulting in no severe harm;
   b. Unnecessary physical contact resulting in severe harm;
   c. Persistent and/or obvious ridicule, public embarrassment or any unfair treatment of students;
   d. Sexual relations with students;
   e. Dating students from Cape Henlopen School District;
   f. Exhibition of lewd or sexually suggestive gestures or materials;
   g. Use or while under the influence of illegal drugs or alcohol on the job;
   h. Be willingly involved with students in an illegal act – misdemeanor;
   i. Be willingly involved with students in an illegal act – felony;
   j. Making statements concerning students which are
      i. Known to be false, or
      ii. Are not known to be true;
   k. Advocating deviant sexual behavior among students.
2. Concerning Relationships with Staff (on campus, at school activities, or concerning school matters):
   a. Unnecessary physical contact;
   b. Persistent and/or obvious ridicule, private or public harassment;
   c. Making statements concerning staff which are:
      i. Known to be false, or
      ii. Not known to be true.

3. Concerning Relationships with Parent and Other Adults (on campus, at school activities, or concerning school matters):
   a. Unnecessary physical contact;
   b. Persistent and/or obvious ridicule, private or public embarrassment;
   c. Making statements concerning staff which are:
      i. Known to be false, or
      ii. Not known to be true.

4. Concerning General School Matters:
   a. Unauthorized disclosure of confidential information;
   b. Conviction of a serious crime;
   c. Theft or willful destruction of school, staff, or student property.
Any fund-raising activities which benefit students or student groups and which may be legally construed as gambling, such as raffles, lotteries, and 50/50 drawings, must adhere to all state requirements and must be approved by the building principal or superintendent. Students shall not directly or indirectly be involved in conducting or participating in such activities during school hours. Students may not purchase tickets related to said activities.
The Cape Henlopen School Board recognizes the importance and value of supporting school groups and individuals in special recognition events. As in extracurricular programs in general, the Board believes that the goals and objectives of this district are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom. The Board is also concerned with fiscal responsibility and a fair and equitable treatment of all school community members. Accordingly, the Board has arrived at the following policy which it considers to be the best solution for all concerned:

1. All funded events must be sponsored by one of the following: State of Delaware, Department of Education, and/or Cape Henlopen School District.

2. The request for financial aid should be made to the Board in person by the group leader or individual students making the request at least one month before the event, unless there are unusual or extenuating circumstances.

3. The Board may allocate up to $1,000 maximum to a school group; for example, the district bands, athletic teams, and academic competition teams.

4. The Board may allocate up to $200 maximum for individual participants, defined as having no more than five members in one event.

5. No request of the Board is automatic and the Board reserves the right to weigh the merits of each request.

Adopted: June 1, 1987
Revisions: June 28, 2007; March 10, 2016
Educational field trips are considered to be an extension of the classroom. The educational values to be gained by taking field trips should be maximized by careful preplanning and appropriate follow-up activities.

Whenever possible, school vehicles will be used for field trips. In all cases, written permission from the parents of children concerned shall be obtained for the specific trip.

Trips within the state involving overnight stay will be approved by the superintendent's office. Out-of-state, overnight trips may be approved by the superintendent except in the case where there are unusual circumstances. In the event of unusual circumstances, the request for approval of out-of-state, overnight travel will require Board approval.
The Board believes that the goals and objectives of this district are best achieved by a diversity of teaming experiences, some of which are more appropriately conducted outside the regular classroom curricular program of the school.

EXTRACURRICULAR/COCURRICULAR PROGRAMS

The Board will maintain a student activity program appropriate to the maturity of students and as varied as staff and facilities permit. The program will be designed to develop worthwhile athletic and intellectual skills.

The Board recognizes that extracurricular/cocurricular activities when properly planned and conducted in an appropriate, safe environment represent an essential part of the educational experience. The Board supports such extra classroom activities and will attempt to make them available on a voluntary basis to the students. It is the Board’s goal to provide each student with a balanced program of academic studies and extracurricular activities to be determined by the school, the parents, and the students.

Extracurricular/cocurricular activities will be organized, supervised, and conducted under the auspices of the school system. Groups participating in activities, athletics, or performances must meet these criteria.

The following may be considered extracurricular activities:

1. Student government and its related activities and organizations.
2. Musical festivals or contests, speech contests, debates, dramatics contests, concerts/plays, drama productions.
3. Organized activities that are part of interscholastic athletics.
4. All types of intrascholastic and interscholastic competition.
5. Concert performances, theater performances, exhibits.
6. Special interest clubs.

The Board will approve specific extracurricular/cocurricular activities through the authority it extends to school principals to authorize and administer them in keeping with this policy and Board-approved regulations.

TO PARTICIPATE IN ATHLETICS OR ANY OTHER EXTRACURRICULAR ACTIVITY OR PERFORMANCE, A STUDENT MUST BE ELIGIBLE IN ACCORDANCE WITH THE REGULATIONS OF THE DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION (DIAA).

Performing and participating individuals and/or groups shall be limited to students whose involvement is organized, supervised, and sponsored by the school system.
STUDENT PARTICIPATION IN NATIONAL CONFERENCES

The district supports the participation of students in national competitions. For students who have won first place in state competitive events, a portion of the expenses will be paid by the district depending upon need and circumstance. Conference-related expenses for the faculty sponsor will be paid in full. The Board will consider cases on special merit; e.g., a second-place winner in the same competition,

FRATERNITIES AND SORORITIES

School fraternities and sororities or other organized groups that have practices or procedures of a type generally associated with fraternities or sororities shall not be permitted as a part of the school program.
The Student Activities and Athletics Program is an integral part of the total school educational program. The Cape Henlopen School District embraces the importance of providing a well-balanced activities program to enhance the learning activities of the classroom. Student Activities and Athletics Programs teach and reinforce, through lessons consistent with the Cape Henlopen School District student achievement goals of academics, essential life skills and responsibility to the community. Life lessons such as teamwork, goal-setting, time-management, sportsmanship, commitment, and leadership are taught through daily experiences and prepare students for future life challenges.

The Cape Henlopen School District is required by law to follow the state regulations as set forth by the Delaware Interscholastic Athletic Association (DIAA).

In addition to meeting the DIAA eligibility requirements, a student must also meet the following requirements:

1. must be covered by sufficient insurance with a family accident policy or with a school accident policy;
2. must have a completed physical examination form on file with the school nurse;
3. must have a parental permission slip on file with the Athletic Director;
4. must meet state eligibility requirements;
5. must sign a consent form;
6. must be taking at least the minimum course load during the entire season or during membership in the activity. The student aid course is not considered a class in this particular situation.

Delaware Interscholastic Athletic Association

The purpose of the Delaware Interscholastic Athletic Association is to preserve and promote the educational significance of interscholastic athletics; ensure that interscholastic sports remain compatible with the educational mission of the member schools; provide for fair competition between member schools; promote sportsmanship and ethical behavior; establish and enforce standards of conduct for athletes, coaches, administrators, officials and spectators; protect the physical well-being of athletes; and promote healthy lifestyles.

The DIAA Official Handbook and forms can be found at the following website:

http://www.doe.k12.de.us/Page/1670

Adopted: June 26, 1986
Revisions: April 20, 1989; August 23, 2012
The following procedures will be used to employ personnel under extra-duty contracts for personal services:

1. All extra-duty positions and all contracts entered into to fill those positions must be approved by the Board.

2. All contracts for extra-duty positions are for a duration of one year unless a shorter period of time is specified in the contract.

3. Criteria for employment of extra-duty personnel:

   a. Any employee desiring to have his or her extra-duty contract renewed must formally reapply no later than 30 days from the date the contract expires. A recommendation will be made to the Board on contract renewals within 60 days from the end of the contract period.

   b. Those people who were employed under extra-duty contracts in the previous school year and who performed satisfactorily in those positions may be recommended to the Board by the administration for the renewal of their contracts for the following school year. Those positions not recommended or approved for renewal will be determined to be vacant.

   c. All vacancies will be advertised within 30 days from the end of the contract period.

   d. Under normal circumstances, the athletic director, or other person responsible for recommending head coach appointments, shall submit recommendations for appointment to the superintendent's designee at least 45 days before the start of the respective athletic season. The goal is to present a recommendation to the Board of Education at least 30 days before the season starts.
The Cape Henlopen Board of Education believes that the education of students is best enhanced when the services to these students are disrupted the least amount of time. To that end, it is the intent of the Board of Education to review, in a timely manner, projected enrollments and class sizes. The purpose of this review is to ensure allocation, as needed, of additional staff or changes of staff assignments.

Therefore, in the interest of the least disruption to the students, the Board will review in its public meetings projected unit counts at the following times:

1. In April, the administration will present to the Board as an information item the projected unit count for the next school year.

2. At the workshop meeting in July, the administration will present updated unit count figures along with class size projections. Recommendations by the administration to effect the least disruption and effective class size will also be presented. At this point, the Board of Education may, but is not limited to:
   a. Maintain the count and size as presented.
   b. Approve a unit count increase to accommodate new enrollees.
   c. Approve a unit count increase to accommodate projected large class sizes due to the configuration of the grades and needs of a school.
   d. Approve a reassignment of units should the number of classes decrease in a school.

3. At the meetings in August, the administration will present updated information on unit count figures and class size projections along with recommendations regarding staffing for the least amount of disruption. The Board of Education may, but is not limited to:
   a. Maintain the unit count and class size as presented.
   b. Approve a unit count increase to accommodate new enrollees.
   c. Approve a unit count increase to accommodate projected large class size due to the configuration of the grades and needs of a school.
   d. Approve a reassignment of units should the number of classes decrease in a school.

4. At the meetings in September, updated figures on unit count and class size will be presented to the Board of Education. Additional recommendations, as necessary, will be presented.

5. At the workshop meeting in October, the final unit count and class size figures will be presented. At that time the Board will consider final adjustments. In addition, the Board will be presented with an update of the budget as a reflection of staffing decisions.

The intent of the board is that allocations will be assigned by the needs of the building as determined by the site staff and approved by district administration.

In the event that a school is over staffed following the final September 30 count due to a diminished enrollment, following these reviews, it is the intent of the Board of Education that the site will be held harmless and the units will not be decreased in that current year.
The Board of Education of the Cape Henlopen School District acknowledges that the research through 1998 indicates that smaller class size in the K-3 program of a school district can lead to increased achievement in reading. It is the intent of the Board to keep pupil-teacher ratio in the K-3 grades at 22:1 or below. In the event of budgetary restraints, the staffing will be kept as close to that ratio as possible. The district will use state units and, if warranted and affordable, locally funded units to keep classes small. Maintaining small class size in the K-3 program is the first priority within this class size policy.

For upper elementary, it is the Boards' desire to keep class size capped at 25. This will be done using state units and locally funded units when the Board determines it is financially feasible.

At the middle-school level (6-8), the Board is in support of the middle-school concept and, in support of that, will provide as many teachers as can be funded from state units and local units to support the team approach. Generally acceptable class size for middle school is 28 or below when financially feasible.

The Board intends that the high school will receive no less than 98% of the state units it earns from the September 30 count. These units can be augmented, at the Board's discretion, by locally funded units when financially feasible.

This policy supersedes all other policies and recommendations of policies presented to the Board of Education.
Drugs and alcohol have no place in the work environment and are strictly prohibited. This District maintains a policy of zero tolerance, encouraging employees with a drug or alcohol problem to seek voluntary treatment and counseling.

I. OBJECTIVES
   A. To promote employee awareness and education concerning the dangers of drugs and alcohol in the workplace;
   B. To make known the availability of drug and alcohol counseling, rehabilitation and assistance programs;
   C. To encourage employees to voluntarily seek treatment and counseling;
   D. To provide a fair and equitable framework for dispensing punishment to employees who violate the policies; and,
   E. To provide prior notice to all employees of the District's intent that the use of drugs or alcohol in the school environment is destructive of the goal of the education process and will not be tolerated.

II. VOLUNTARY COUNSELING AND TREATMENT NOT RESULTING IN DISCIPLINARY ACTION
   A. Where no violation of this policy has occurred, employees who voluntarily request of the District assistance in respect to treatment and counseling will be provided with assistance and information on an individual and confidential basis. The cost of voluntary treatment, is the responsibility of the employee, but the District will advise employees as to the possible sources of treatment funding, such as through community service programs or the employee's health insurance program. The District does not endorse or insure the success of any particular program. The failure of an employee to succeed in a program shall not constitute or be considered as a defense to discipline in the event of a violation of this policy;
   B. Requests for voluntary treatment and counseling shall be directed to the Principal of each school, or in the case of administrative or other personnel, to the Superintendent. The Superintendent shall have the overall responsibility for developing and making available in each school a list of the available voluntary counseling and treatment alternatives; and,
   C. The Superintendent shall, upon request, assist the building principals in determining alternatives for treatment and counseling and in developing programs directed toward early detection, identification and treatment of employee drug and alcohol problems, which may include, but shall not be limited to, employee peer counselors and substance abuse committees.

III. DEFINITIONS
Definitions contained in this policy are provided in an effort to provide each employee with a clearer meaning of the terms used. However, where such terms are also defined in the Uniform Controlled Substances Act contained in Chapter 27 of Title 16 of the Delaware Code, the official definitions contained therein shall govern and control in the interpretation of this policy as though the same were fully set forth herein.
1. **DRUG**
   Any substance of vegetable or chemical origin that produces physical, mental, emotional, or behavioral changes in the user. Drugs include all alcoholic beverages, narcotics, analgesics, stimulants, depressants, including heroin, cocaine, marijuana, hashish and otherwise controlled substances or medications other than those sold to the public on a non-prescription basis or those prescribed to the employee by a licensed physician;

2. **POSSESSION**
   Implies that an employee has unauthorized drugs on his/her person or with his/her personal property or under his/her control by placement of and knowledge of the whereabouts of the same within the school environment or during school-related activities. Not included as “in possession” is any substance that has been prescribed by a licensed physician and is present only in the dosage or amount prescribed for the person;

3. **USE**
   Implies that an employee is reasonably known to have assimilated an unauthorized drug or is reasonably found to be under the influence of the same within the school environment or during a school-related activity;

4. **DISTRIBUTION OR SALE**
   Implies the transfer of unauthorized drugs or look-alike substances to any other person with or without the exchange of money or other valuable consideration. The receiving party shall be considered as “in possession”;

5. **UNAUTHORIZED**
   That which is prohibited by this policy or by State or Federal law;

6. **SCHOOL ENVIRONMENT**
   Within or on school property, including buildings, grounds, or vehicles. This includes field trips, ski trips, student conferences and other such activities away from the school where students are involved, including special functions for chaperons, coaches, etc. (This does not include public events open to adults where staff have no assigned responsibility. The term also does not include the discretionary use of alcoholic beverages for social purposes, in amounts not in violation of state law, by an employee who is away from District properties, where the use occurs after the conclusion of the conference and when the employee is not supervising or is not responsible for the conduct and welfare of public school students.)

7. **PRESCRIPTION DRUG**
   A controlled substance dispensed directly by a medical practitioner or by a pharmacy with a written prescription from the practitioner.

Employees currently taking a prescribed medication from their own physician must carry it in the labeled container provided by a licensed pharmacist.

All medication must be kept in its original container (Chapter 47, Uniform Controlled Substances Act, Subchapter 4, Section 4758);

8. **NON-PRESCRIPTION DRUG**
   A non-controlled substance used for medical reasons;
9. DRUG PARAPHERNALIA
Paraphernalia includes objects used to manufacture, compound, convert, produce, process, prepare, analyze, pack, repack, store, conceal, inject, ingest, inhale, or otherwise provide a means to enter the human body. Under Delaware law, it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia;

10. REGULAR WORKING HOURS
Shall include the regular workday for each employee and school-related, sponsored or sanctioned activities which occur after the close of the regular workday or workweek. In-service days are included within this definition;

11. ZERO TOLERANCE
It is against the law for anyone to possess illegal substances. All violations shall be reported to the appropriate police authorities; and,

12. SUSPENSION
The right of the Superintendent to suspend an employee from the performance of their duties, and inherently includes the right to suspend with or without pay, depending upon the circumstances of the conduct.

IV. REPORTING OF VIOLATIONS
A. In the event an employee is convicted or pleads guilty to a violation of criminal law involving the use of drugs or alcohol in, on or off school property (i.e., while driving a vehicle on school business) but within the school environment as defined in III.A.6., the employee shall notify the Superintendent of the occurrence, in writing, within five (5) days following the conviction, or in the case of a first offender’s program, of a conditional discharge plea. Within ten (10) days thereafter, the employee shall be subjected to discipline per this policy.

B. Within ten (10) days of receiving notice of any employee being convicted or pleading guilty, as described above, or within ten (10) days of an employee being disciplined under this policy, the District shall notify the Federal agencies providing grants to and through the District.

VI. EMPLOYEE ACKNOWLEDGEMENT
A. A copy of this policy shall be made available to all personnel in each school.
B. Each employee shall be given a copy of this policy.
C. Each employee shall sign a duplicate copy of this policy, which shall then be placed in the employee’s personnel file. Failure or refusal by an employee to sign a copy of this policy shall not exempt the employee from the effect of the policy or serve as a defense in the event of a violation.

I have received, read and agree to abide by the Cape Henlopen School District Drug-Free Workplace Policy.
Recognizing that smoking is both a safety and health hazard, it shall be the policy of the Cape Henlopen School District to prohibit smoking by all persons within all buildings, facilities, and school grounds of the district.

I. GENERAL

The Cape Henlopen School District recognizes its position as an educational institution charged with promoting the health, safety, and welfare of its students. Smoking has been recognized as a health hazard by the United States Public Health Service and also by numerous studies. It has also been shown that smoke is harmful to both smokers and non-smokers in the same area. Our district health curriculum teaches that smoking is a dangerous anti-health activity. Further, our student disciplinary policy prohibits students from smoking and imposes sanctions for violations.

Secondhand smoke (SHS) has been shown as a dangerous pollutant and, according to the American Lung Association, is responsible for over 3,700 lung cancer deaths in the United States each year, including approximately 125 in Delaware. Children are the most vulnerable to SHS as their developing lungs and immune systems cannot cope with the powerful toxins found in SHS. Children chronically exposed to SHS have been shown to have higher incidence of cough, wheeze, middle ear infection, bronchitis, and pneumonia.

II. PROCEDURE

A. EMPLOYEES

In order to promote a smoke-free environment, employees are prohibited from smoking in all buildings of the Cape Henlopen School District. In addition, employees are not permitted to smoke on school grounds.

B. VISITORS

Visitors and users of the facilities of the Cape Henlopen School District are prohibited from smoking on school property. Visitors will be informed of the policy that prohibits smoking by clearly posted signs at all building and facility entrances.

C. RESPONSIBILITY

It will be the responsibility of all Cape Henlopen School District personnel to enforce the district's smoke-free policy in a firm but polite manner.

Adopted: February 23, 1993
The Cape Henlopen Board of Education supports the Delaware testing requirements for initial licensure. With the exception of those individuals who are exempt from testing, all other professional employees are expected to satisfy the testing requirements within the established time lines. Once this period of time has expired, the employee will no longer hold a valid Delaware license, and employment will not be continued.

The Board generally does not support requests to extend the testing time lines to a third or fourth year for individuals to complete all the parts of the PPST/PRAXIS tests. However, the Board does reserve the right to waive the policy upon the recommendation of the superintendent.
The Cape Henlopen Board of Education relies upon its employees to be present each school day. Regular work attendance is necessary to adequately perform job responsibilities and is a component part of an overall satisfactory or better job performance.

Absences for school personnel must be accurately recorded each payroll period during the school year through the standard payroll reporting procedure. All personnel should carefully review the rules and procedures that apply to them regarding absences. These rules are found in Delaware Code 1318, the Board Policy Handbook, and in the Cape Henlopen Staff Attendance Policy Pamphlet. In addition, school-level personnel are required to follow procedures as set forth by their principal related to work attendance.

Supervisors shall continuously monitor the attendance records of their employees. In addition, as the data is received, accurate records will be maintained in the business and personnel offices.

If it is determined that an employee has exceeded his/her leave benefits, the appropriate supervisor will be notified by the personnel office. After careful review of the records, disciplinary action may be initiated by the immediate supervisor.

Those who abuse their established leave benefits and/or allocations will have their salary reduced accordingly. Harsher disciplinary measures, including job termination, may be taken depending upon the situation and frequency of the occurrence(s).
RETIREMENT INCENTIVE PROGRAM

Once a letter is officially submitted to the Superintendent and is approved by the Board, the employee's total years of continuous service in the Cape Henlopen School District will be calculated. Individuals eligible for the retirement incentive, as noted below, will receive $50 for each consecutive full year of service in the Cape Henlopen School District, not to exceed $1500. The stipend will be paid through the regular payroll process and will be issued prior to the end of the fiscal year in which the retirement occurs.

ELIGIBILITY

10-Month Employees

For 10-month employees, the school year is defined as starting on July 1 and extending forward until June 30 of the next calendar year (same definition as fiscal year). Retirement notification incentives will only be paid when actual retirement occurs at the end of a school year, end of a semester, or during the summer months with proper notification as follows:

1. For retirement at the end of a school year, notice must be given prior to March 1 of the same school year in which the retirement will take place.

2. For retirement at the end of the first semester of a school year, notice must be given at least 90 calendar days before the end of the first semester in the same school year in which the retirement will take place.

12-Month Employees

Notice must be given at least 90 days prior to the actual retirement date.
It is the belief of the Board of Education that professional development is an essential part of the total educational program. The Board recognizes three levels of professional development.

1) District level
2) Building level
3) Individual level

DISTRICT LEVEL

There may be a need in the district for one or more days dedicated for district-level professional development activities.

BUILDING LEVEL

Building-level teams will continue to identify needs within the building. These may include grade-level meetings, team meetings, subject-area meetings. Selected inservice days will be dedicated to building-level professional development, as needed. The building administration will work in cooperation with district administrators to facilitate the needs of the building professional development activities.

INDIVIDUAL LEVEL

Employees will identify goals and determine what areas of personal professional development are needed. These should focus on areas of specialty (subject area) or general pedagogy. Activities to help teachers improve student involvement and achievement are necessary. Administrators will work with employees to achieve individual professional development goals.

It is desirable for a teacher to identify professional development activities that will enhance his/her ability to deliver services to help students achieve to the highest level. It is expected that staff members will take the initiative to enhance their abilities. Engagement in approved professional development should be noted as a favorable indicator in one's evaluation.
An employee who is absent for three consecutive work days and fails to notify his/her immediate supervisor within the three workdays, shall receive notice of intent to terminate. Such an employee may avoid termination by convincing the superintendent that compelling or extenuating circumstances existed that prevented him/her from providing the appropriate notification of the absences. The notice of intent to terminate shall identify the employee's opportunity to be heard and the procedure for requesting and conducting a hearing. The notice shall be sent via regular and certified mail (registered mail in the case of teachers) to the employee's last-known address.
There shall be a donated sick leave policy in accordance with Section §1318A of Title 14 of the Delaware Code. This policy is to (1) support employees who fall victim of catastrophic medical conditions, (2) promote high morale, and (3) provide an incentive for good attendance. Changes and revisions made by State legislators to Title 14, Section §1318A, of the Delaware Code will be automatically incorporated into this Board Policy.

A Donated Leave Review Committee will be established to administer the program. The committee will consist of the Supervisor of Human Resources, one other district administrator, one representative from the Cape Henlopen Education Association (CHEA), one representative from the Cape Henlopen Support Staff Association (CHSSA) and one school nurse. The members will communicate on an as needed basis to review and approve/disapprove requests for donated leave. This committee will also establish the necessary procedures and forms to administer the program.

The provisions of Section 1318A, Title 14, Delaware Code are as follows:

1318A. Donated leave program.

(a) "Donated leave program" means a program:

   (1) In which 1 or more employees of a public school district may transfer accrued, unused sick leave days to 1 or more other employees of the same public school district;

   (2) Is established by the public school district as a local Board of Education policy and/or pursuant to the terms of a collective bargaining agreement negotiated under the terms of Chapter 40 of Title 14; and

   (3) Is consistent with the provisions set forth in subsection (b) of this section. No donated leave program shall prohibit participation by employees based on inclusion in or exclusion from a certified bargaining unit.

(b) Any donated leave shall be required to comply with the following requirements:

   (1) Employees wishing to donate accrued sick leave must donate in increments of whole days. For every 2 days donated, 1 day will be made available to a recipient.

   (2) Donated days shall be made available only for recipients within the school district for a catastrophic illness of a recipient or of a member of a recipient's family. For this section, "catastrophic illness" shall mean any illness or injury to an employee or to a member of an employee's family which is diagnosed by a physician and certified by the physician as rendering the employee or a member of the employee's family unable to work, or, in the case of a family member who does not work, the medical equivalent of "unable to work", for a period greater than 5 calendar weeks. Separate periods of disability lasting 7 consecutive work days or more each, and totaling more than 5 calendar weeks, resulting from the same or a related medical condition and occurring within any 12-month consecutive period, shall be considered the same period of disability. For this section, "family member" or "member of an employee's family"
means an employee's spouse, son, daughter or parent who resides with the employee and who requires the personal attendance of the employee during the family member's catastrophic illness. Donated leave may be used by the recipient for subsequent absence because of personal medical treatments or personal illness directly related to the employee's "catastrophic illness" as certified by the physician. This provision is limited to an absence that occurs because of an employee's "catastrophic illness" not a family member's "catastrophic illness."

(3) The local school district shall convert the donated leave available for use by a recipient into cash value at the donor's rate of pay, shall re-convert the cash value to hours of leave at the recipient's rate of pay, and shall then credit the recipient's account.

(4) The recipient of the donated leave shall have been an employee with the local school district for at least 6 months before he or she is eligible for donated leave time.

(5) The recipient shall have used all of his or her sick days and personal days and half of his or her annual leave, where applicable. However, when donated leave is for the catastrophic illness of a family member, the employee must have used all of his or her sick days, personal days and annual leave.

(6) The recipient shall have established medical justification for such receipt, which must be renewed every 30 days during any absence.

(7) No potential donor nor any other person shall sell any accrued leave which might otherwise be donated under this section.

(8) The liability of the State under this program shall be limited to paying the state share of salary, benefits and other employment costs paid to employees for sick leave properly utilized pursuant to a donated leave program established pursuant to and in compliance with this section and § 4002 of Title 14, if applicable.

(9) Any recipient of this program is subject to a 1 work year cap with the number of days equal to 185 days in the fiscal year beginning July 1, 1999, 187 days in the fiscal year beginning July 1, 2000, 188 days for the fiscal year beginning July 1, 2001, and 190 days for the fiscal year beginning July 1, 2005, and each succeeding fiscal year for a 10-month employee; 204 days in the fiscal year beginning July 1, 1999, 206 days in the fiscal year beginning July 1, 2000, 207 days for the fiscal year beginning July 1, 2001, and 209 days for the fiscal year beginning July 1, 2005, and each succeeding fiscal year for 11-month employees and 222 days for a 12 month employee.

(10) If a long-term disability program is available to employees, a period of disability defined herein shall be limited to the waiting or elimination period defined in the policy.
### 100 PROGRAMS

| 138 Dual Enrollment Credit Program |

Cape Henlopen High School students in 11th and 12th grades have several opportunities to enroll in dual credit courses for which they may receive credit toward high school graduation as well as credit at the postsecondary level. In some instances, students may be simultaneously registered in the Cape Henlopen School District as well as at a postsecondary institution (dual enrollment).

All Cape Henlopen High School students shall be informed of opportunities for dual enrollment and the awarding of dual credit. Student eligibility shall be determined through articulation agreements between the District and the postsecondary institution(s). Information about dual enrollment and dual credit opportunities, including eligibility requirements, shall be printed annually in the course selection guide and available at any time in the high school guidance office.

All eligible students shall have multiple points of access for dual credit and dual enrollment courses including, but not limited to, courses offered on the Cape Henlopen High School campus, courses offered on a postsecondary institution campus, courses offered online, or a combination of any of the above according to the articulation agreement(s).

Funding sources such as Tech Prep, College Board fee waivers or other grants shall be identified, as well as the procedures for applying and the procedures for awarding of such funds or waivers. This information shall be printed annually in the course selection guide and available at any time in the high school guidance office. No eligible student shall be denied access to dual credit or dual enrollment courses because of the student’s or family’s inability to pay.

All courses for which dual credit is awarded through an accredited postsecondary institution shall be taught by an approved dual credit instructor and shall incorporate any applicable state content standards. The awarding of high school credit shall require the prior approval of the high school principal or the principal’s designee.

Students electing to participate in dual enrollment or dual credit opportunities shall include such participation in their Student Success Plans, as required in 14 DE Admin. Code 505. Students’ high school transcripts shall indicate any dual enrollment courses taken and any courses for which dual credit has been granted.

Adopted: February 26, 2009

Revisions:
200 PUPILS

201 Admission of Beginners
203 Assignment Within District
204 Attendance
  Agreement for Absence from School from an Extended Trip Form
205 Enrollment and Release of Students and Student Information
206 Enrollment of Typical Peer Students – Little Vikings Learning Center
207 School Choice Program
208 Charter School Regulations
209 Health Services
210 Health and Wellness
211 Student Accident Insurance
212 Family Life and Sexuality Education
213 Grading of Student Progress
214 Homework
215 Promotions and Retention
216 Student Records
217 Graduation Requirements
218 Student Discipline
  High School & Middle School Student Code of Conduct
  K-5 Student Code of Conduct
219 Suspension and Expulsion
221 Rules of Procedure for Conduction Student Hearings
222 Sexual Harassment by District Students
223 Harassment or Misconduct by Students
224 Bully Prevention Policy
225 School Teen Dating Violence and Sexual Assault Act Policy
226 Searches
229 Student Fund Raising
230 Student Debts
234 Married/Pregnant Students
235 Student Rights
236 Home Schooling
237 Student Survey Policy
238 Suicide Prevention
Board requirements for the admission of beginning students are consistent with statute, which insure the equitable treatment of all eligible children.

Kindergarten children reaching the age of five on or before August 31 of any year are required to attend kindergarten September of that year. Children who are under the age of five and who are identified as having disabilities under the guidelines of federal law 94-142 are eligible for school attendance at earlier ages reflective of the eligibility age mandated by their disability. Each age of eligibility is described by handicapping condition in the Delaware Special Education Regulations.
The Board directs that the assignment of students to schools within this District be consistent with proper education of students and the best use of the resources of this District.

The Superintendent with the approval of the School Board may establish enrollment areas for the various schools and procedures by which all children are properly assigned to a school.

GROUPING

Students shall be grouped within each school and within classrooms so that each student may benefit from instruction an association with his/her peers to the greatest possible extent. In establishing procedures for the classification and grouping of students, the principal, with input from staff members and parents/guardians when applicable, shall consider such factors as the philosophy, aims, and objectives of the schools; the findings of research and experimentation; and sound educational practice.

TRANSFERS FROM OUT OF STATE/DISTRICT

The placement of students transferring from other states or private schools will be determined by the principal of the receiving school. Where feasible, a report card or other proof of school attendance with pertinent records, such as birth certificate and immunization record, shall be required. For a student who brings no records, school officials shall attempt to contact the student’s previous school to determine enrollment eligibility, grade placement, and the absence of any potential expulsion order. The student will be placed according to the grade level the principal or designee feels is most appropriate. This placement will be reviewed when appropriate records are received.
The Board of Education requires that school-aged students enrolled in the schools of the Cape Henlopen School District attend school regularly in accordance with the laws of the state. The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation.

All children shall attend school in accord with the provisions of the general laws regarding compulsory school attendance and the policy of Cape Henlopen School District.

1. In order for students to be successful in school academically, they must attend class regularly and arrive on time. Early dismissals, tardiness, and late arrivals to school negatively affect interactions within the classroom. Therefore, parents should make every effort to ensure that their children attend school each and every day. Attendance is compulsory from age 5 until age 16.

2. Attendance Contract: Each parent or guardian of a student shall sign a contract with the district agreeing to make every effort to:
   a. make certain that each child abide by the school code of conduct;
   b. make certain that the child attends school regularly; and
   c. provide written documentation of the reason(s) for any absence or tardiness.

3. Illness or Injury During School: If a student becomes ill or is injured in school or at a school-related function, he/she must report to the school staff in charge or the nurse, who will then decide what should be done. Students must not leave the building or function because of illness without authorization. For further information, see Board Policy 209.

4. Excused Absence: Parents are required to send in an excuse note on every student absence, signed and dated by the parent or legal guardian, explaining the reason for the absence. The note must be submitted to the school within three (3) school days of the student’s return to school or the absence will be considered unexcused. Parent documentation (notes) cannot exceed more than 10 days per school year.

   Each absence note will be reviewed by the school office, and the school will call home or work on each absence for verification. The following excuses are recognized in Delaware Code (Title 14) as valid for necessary and legal absences:
   a. Illness of the child attested, if necessary, by a physician’s certificate;
   b. Contagious disease in the home of the child;
   c. Death in the immediate family or the home of the grandparents, absence not to exceed one week. Funerals of other relatives or close friends, absence not to exceed one day in the locality or three days if at some distance or outside the state;
   d. Legal business which requires the student's presence;
   e. Suspension or expulsion from school for misconduct. Suspension is the exclusion of a student from school for a short and definite period of time. This is a temporary measure for handling behavior problems. Suspensions can take place in school (ISS) or out of school (OSS). Expulsion is the exclusion from school and school related activities for a period of time not to exceed one calendar year;
f. Remedial health treatment/student pregnancy;

g. Prearranged absence to visit a college or university; to participate in other educational experiences; and emergency situations as determined by the school principal;

h. Vacation: Families may request up to ten (10) days of vacation per year with prior written approval of the school at least five (5) days prior to the vacation. In addition, once every three years an exemption to the vacation policy will be considered by the individual school review committee if an educational plan is submitted with the approval form. The plan should clearly explain how the vacation has educational merit. No vacation will be allowed during state testing or semester exams unless approved in advance by the school principal;

i. Bona fide religious holidays;

j. Children are elsewhere receiving instruction during at least 180 days in the subjects prescribed for the public schools of the state in accordance with Del. C., Title 14, Section 1702;

k. Provisions of Del. C., Title 14, Section 2705 describe exclusions which may apply to some handicapped children. Specific guidelines can be found in the Administrative Manual: Programs for Exceptional Children, March 1987;

l. The superintendent shall have the authority for determining and approving other necessary and legal absences as deemed valid within the enforcement provisions of the compulsory attendance law. Applications to remain out of school for an extended period of time shall be made to the District chief school officer;

5. Parent Contact: An attempt will be made daily by office personnel to contact parents of absent students by phone. A written excuse note is still required even if daily contact is made.

a. Letters will be sent to parents after the ninth (9th) and eighteenth (18th) absences during each semester, alerting parents to potential student achievement and possible legal problems. The building administrator may exempt this requirement for cases involving special circumstances (e.g., approved vacations, prolonged illnesses.)

b. For high school students: Letters will be sent at 3, 6, and 9 unexcused absences. Delaware high schools operate on a system of Carnegie units based on the amount of contact time between teacher and student. A school is obligated to offer 135 hours of instructional time in subject areas for one full unit of credit to be awarded to students within that class. In the Cape Henlopen School District, that translates to 135 days of instruction at 60 minutes per class period. At the same time, for an individual to receive his or her personal credit unit, the District has agreed that a student needs to be present at least 117 hours of the 135 to have benefited from the instruction. High school students at Cape Henlopen may miss only 9 days of class and still earn a .5 credit course.
6. Make-Up Work: Students will be allowed time to take tests, complete make-up work, and turn in assignments within a period of time equal to the number of school days or classes that have been missed. Teacher(s), within the approval of the building administrator, may extend this time if the situation or circumstances warrants such action. The student is responsible for initiating make-up work and turning in assignments. The student's grade must reflect completion of missed work.

Parents are asked to contact the school office by 8:30 a.m. when requesting homework for a student who is absent because of illness.

7. Unexcused Absence: For all children in Grades K-5, notification must be made to the parents as specified in Title 14, Chapter 27, Section 2702 [d] 1-4 and outlined as follows:

   a. Following the tenth (10th) day of unexcused absence by a student, the school shall immediately notify the parent(s) or guardian; a visiting teacher for the district shall visit the student's home.

   b. Following the fifteenth (15th) day of unexcused absence by a student, the student's parent(s) or guardian shall be notified by certified mail to appear at the school within ten days of notification for a conference and counseling.

   c. Following the twentieth (20th) day of unexcused absence by a student, the school shall immediately refer the case for prosecution.

   d. Following the completion of prosecution in the case and the subsequent failure of the student to return to school within five (5) school days thereof, the school shall notify the Department of Services for Children, Youth and Their Families requesting intervention services by the department.

   For students in grades 6-12, following the 10th unexcused day of absence, the building principal shall notify the visiting teacher of such unexcused days (Title 14, Chapter 27, 2702 [e]).

   a. The Principal will notify parent by certified mail requiring parent to appear at the school within 10 days of notification for a conference and counseling.

   b. The Visiting teacher will also notify parent and make the determination as to other interventions and/or prosecution.

8. Early Dismissal: All early dismissals will require a note requesting excused absence. No student will be excused without a note or personal appearance of parent/guardian in the school office. Parents are strongly urged to return students to school after appointments. A note for early dismissal must be approved in the school office before school starts in the morning unless approved by the building administrator. Parents who are removing students in the school must meet them in the school office. Leaving the school grounds without permission in advance is absolutely forbidden and is considered truancy. The nurse determines those who must leave due to illness.

9. Tardiness to School: All students arriving late must report to the school office and receive an admittance slip to enter class. Students who arrive late will be considered absent for that fraction of the school day.

   High school students arriving late to school without a valid, written excuse will be considered tardy. Three such tardies will constitute grounds for after-school detention.
10. Lateness to Class: Refer to the appropriate code of conduct. Each teacher is charged with the responsibility of seeing that all students are in their seats and ready for class at the appropriate time. Teachers are free to use any reasonable means at their disposal to insure that all students arrive on time.

11. Attendance Review Committee: Each school in the district will establish a school review committee (comprised of an administrator, school nurse, counselor/social worker and teacher if needed) to monitor the attendance program.

When considering attendance matters, the school review committee will review the following:

a. Excused v. Unexcused absences;

b. Academic performance and previous attendance record;

c. Student’s involvement in school-related activities;

Discipline records should not be considered. Appeals of the school review committee decisions will be sent to the appropriate director.

Each school will implement a positive reward system for perfect or near-perfect attendance. Examples of rewards could be, but are not limited to, bulletin board displays, certificates, field trips, pins, and yearbook recognition.

GLOSSARY

ABSENCE: Missing school time for either an excused or unexcused reason. Absences are reported and calculated by whole days or fractions adding to whole days.

EXCUSED ABSENCE: Must be covered under the eleven (11) necessary and legal absences, requiring a note from a parent or guardian stating the date and reason for the absence.

UNEXCUSED ABSENCE: An absence for a reason other than the eleven (11) valid reasons and/or absence without a note.

TRUANCY: Four or more unexcused absences render parents liable under Delaware Code, Title 14. Truancy is both a criminal offense punishable by fine and/or imprisonment and a violation of the Cape Henlopen Discipline Policy.
AGREEMENT FOR ABSENCE FROM SCHOOL FOR AN EXTENDED TRIP

Student _______________________________________________ Grade _____________

Student Address _______________________________________________

Teacher ________________________________________________________

I hereby apply to be excused from school from _____________ to _____________ to go to

_________________________________________.

(Date) (Date)

(Destination)

I understand that the days missed will be recorded as absence from school the same as for illness (excused). It will be my responsibility to make every effort to keep up with the class while I am away. It will be necessary for me to make up all written materials, tests, and reading assignments which are made during my absence.

My teachers, who are aware of this absence, have initiated below. I have missed _____ days to date.

________________________  _______________________  _______________________
Student’s Signature        Parent’s Signature           Principal’s Signature

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<tr>
<th>Teacher Initials and Grade to Date</th>
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Reason for Disapproval

Note: This application must be made at least five school days before the trip.
STUDENT REGISTRATION

Title 14, Delaware Code, requires all eligible children to be registered for school. Registration procedures for the Cape Henlopen School District are addressed in this policy.

In the interest of the safety of students in the Cape Henlopen School District, we will adhere to the following guidelines for enrollment, releasing of students, and correspondence.

ENROLLMENT

A child must be enrolled by a parent, guardian, or relative caregiver. To be designated a guardian, an adult must have legal documentation such as guardianship papers from the Family Court of Delaware. A thirty-day grace period for procurement of documents will be granted; however, documentation that the Family Court process has been initiated is required upon enrollment.

In the case of a relative caregiver, the proper notarized documentation is required prior to the child attending school.

Parents, guardians, or relative caregivers must reside in the Cape Henlopen School District, and the residence declared must be the home in which the child resides most of the time.

In all cases, the following documentation must be presented upon enrollment:

- Birth certificate
- Record of immunization
  - 5 DPT/DT 4 Polio 2 MMR 3 Hep B
  - PPD within last year (out of state admission)
- Evidence of residency (required before attending classes)
  - Lease agreement, house contract, utility bill, etc.
  - Notarized statement from home owner if living with someone

The following information is not legally required, but is helpful when scheduling a student.

- Report card or withdrawal sheet with grades from previous school
- Special education information (IEP, psychological report)

A thirty-day grace period will be given, if needed, for procurement of a birth certificate and record of immunizations.

REGISTRATION OF NEW STUDENTS

Students new to the Cape Henlopen School District who have not previously registered with a school in the district should do so the week before school officially starts. New students who have not registered will not be permitted to register on the first day of school.

KINDERGARTEN REGISTRATION AND REQUIREMENTS

Students registering for kindergarten should register in the spring before their beginning year of school. This date is announced in the school calendar and the local newspapers (typically in March). Materials necessary for registration include birth certificate, record of immunizations, evidence of residency, and specific location of home for bus route.

Kindergarten children reaching the age of five on or before August 30 of any year are required to attend kindergarten in September of that year.
In any case where a public school student is expelled from a school district or a charter school, the expelled student shall not be permitted to enroll in the Cape Henlopen School District until after the full period of expulsion from the school district or charter school where the student was expelled shall have expired. Prior to enrolling any student who attempts to transfer to or enroll in a Cape Henlopen school, the principal or designee shall first contact the last school district or charter school where the student was enrolled to determine if that student is under a current expulsion order in that district or charter school. If it is determined that the student is under a current expulsion order, that student shall not be permitted to enroll until the expulsion order has expired.

**RELEASING STUDENTS**

A child may be picked up from school by one of two means, i.e., a note signed by the parent/guardian/relative caregiver, or in the person of a parent/guardian or other authorized adult. In order for a child to be released to another authorized adult, that adult's name must have been submitted to the school prior to the day of release. A note on the day of release must specify to whom the child is to be released. A Photo identification must be presented upon request. All releases will be at the discretion of the principal. Parents who have not sent in a note are required to report to the office in person and identify themselves to pick up a child; this right will not be denied a parent unless there is a legal document of non-visititation within the child's folder. A written request of denial from one parent against another will not be honored.

In cases where the principal has sound reason to believe that the child may be placed in some imminent danger or that such a release may not be in the child's best interest, he/she may deny the release until the matter is resolved.

Children will not be released by a phone call nor will changes of buses be made by a phone call unless the principal deems it an emergency. Children will not be released from the bus at any time until arrival at their regular stop. Any release from school or bus must initiate in the office of the school, with the parent, guardian, or authorized adult making the request.

**CORRESPONDENCE**

Report cards, test scores, and other correspondence regarding the child or the school, will be sent to the primary residential parent(s), legal guardian, or relative caregiver with whom the child primarily resides. Upon the written request of a child's parent, the District will mail the parent copies of report cards, test scores, and letters regarding the child, unless a court order directs the District not to do so. Either parent has the right to schedule an appointment to review the child's permanent record, unless there is a court order providing otherwise.

Also, in all formal documentation, the child will be referred to by the name indicated on the birth certificate. Name changes will only be granted with appropriate court documentation.

*Adopted: June 26, 1986*
The Cape Henlopen School District will enroll typically developing peers into the Little Vikings Learning Center, which is required under the Individuals with Disabilities Act (IDEA).

**ELIGIBILITY FOR TYPICAL PEER STUDENTS**

Any child (age 3-5) who resides in the Cape Henlopen School District, meets criteria, and does not already have an identified special education need. August 31st will be used as the cut-off date, which is the same used for kindergarten readiness. Therefore, the student must be 3 or 4 years of age prior to September 1st for that academic year.

**APPLICATION PROCEDURES**

1. The application form provided by the Cape Henlopen School District must be completed fully and submitted to the administrator of the Little Vikings Preschool between December 1 and the 2nd Wednesday of January prior to the start of the school year in which the child is eligible.

2. A separate application must be submitted for each student.

3. An application must be submitted for the sibling of a student already enrolled in Little Vikings Preschool.

4. Students who are part of the Little Vikings Preschool 3-year-old program and who qualify under guidelines 1 through 5 will be eligible to continue in the 4-year-old program if the parent/guardian submits a confirmation letter/email by the 2nd Wednesday of January deadline.

5. Late applications will be accepted after the deadline until the 3rd Wednesday of February or the program is full, whichever is the latter.

**GUIDELINES FOR CONSIDERATION OF APPLICATIONS**

Applications will be considered in the following order:

1. Siblings of a typical peer student enrolled or accepted for the upcoming school year in Little Vikings Preschool who are children of permanent, full-time Cape Henlopen School District employees who are residents of the Cape Henlopen School District.

2. Children of permanent, full-time Cape Henlopen School District employees who are residents of the Cape Henlopen School District.

3. Siblings of a typical peer student enrolled or accepted for the upcoming school year in Little Vikings Preschool who are children of permanent, full-time Cape Henlopen School District employees who are not residents of the Cape Henlopen School District.
4. Children of permanent, full-time Cape Henlopen School District employees who are not residents of the Cape Henlopen School District.

5. Siblings of a typical peer student enrolled or accepted for the upcoming school year in Little Vikings Preschool who are grandchildren of permanent, full-time Cape Henlopen School District employees who are residents of the Cape Henlopen School District.

6. Grandchildren of permanent, full-time Cape Henlopen School District employees who are residents of the Cape Henlopen School District.

7. Siblings of a typical peer student enrolled or accepted for the upcoming school year in Little Vikings Preschool who are grandchildren of permanent, full-time Cape Henlopen School District employees who are not residents of the Cape Henlopen School District.

8. Grandchildren of permanent, full-time Cape Henlopen School District employees who are not residents of the Cape Henlopen School District.

9. Late applications for siblings of a typical peer student enrolled or accepted for the upcoming school year in Little Vikings Preschool who are children and grandchildren of permanent, full-time Cape Henlopen School District employees in the order defined in categories 1 through 8.

10. Late applications for children and grandchildren of permanent, full-time Cape Henlopen School District employees in the order defined in categories 1 through 9.

11. Applications submitted by the deadline by anyone not qualified under categories 1 through 10.

12. Late applications by anyone not qualified under categories 1 through 11.

If there are more applicants than slots available in any one category in either the 3- or 4-year-old program, a lottery will be held from the pool of applicants in that category for the available slots as they open up. Siblings of students enrolled or accepted into the Little Vikings Preschool will be accepted before the lottery pool is formed. Siblings in a single lottery pool will be considered linked and as one entity.

TIMELINE FOR APPROVAL

Approval or non-approval of the applications meeting the deadline will take place by the last day of February for the students who will begin at the start of the following school year.

The District will communicate by March 15 the outcome of the enrollment process and/or lottery in writing to the parent/guardian for each application submitted by the January application deadline. The communication will state whether or not the child was accepted and, if not, the numerical position the child is on the established wait list.
Preschool acceptance will be based on capacity. Therefore, at the start of any year, there may be more or fewer typical peers than prior years, but this will be based on projected capacity for that year when including the students with special needs.

Applications for programs where there is no capacity but meet the requirements for approval will be placed on a wait list in the order they were received.

The wait list applicants will be accepted in the event that special education enrollment exceeds the typical peer count, leaving the Little Vikings Learning Center in need of additional peers in order to maintain the requirements of a Regular Setting.
The Cape Henlopen School District will follow the guidelines set forth in Delaware Code Title 14, Education and the School District Enrollment Choice Program.

ELIGIBLE PARTICIPANTS

Any student (grades K-12) whose parent or legal guardian is a resident of the state of Delaware who wants to attend a school that is located:

1. in a different school district from where the student resides ("reside," "residing," and "residence" refers to the residence of the student's parent); or,

2. outside the designated feeder pattern where the student resides.

APPLICATION PROCEDURES

1. The application form provided by the State Board must be completed fully and submitted via Data Service Center (www.schoolchoicede.org) by the second Wednesday in January for enrollment in grades 1-12 during the following school year or by the first day of the school year for kindergarten enrollment during that school year. If a parent/guardian does not have internet access, a computer will be available at the District Office.

2. Applications shall be accepted after such deadlines if the deadline was missed due to "good cause." "Good cause" means (a) a change in the location of family residence, (b) a change in the parent's marital status, (c) a change in legal guardianship, (d) placement in foster care, (e) adoption, (f) participation in a foreign exchange program, (g) student's participation in a substance abuse or mental health treatment program, or (h) a set of circumstances determined to be consistent with this definition of "good cause";

3. Students applying from other districts must provide a copy of the most recent report card, and any other attendance and behavior comments per required forms from the previous school attended;

4. A separate application must be submitted for each student. Only one application may be submitted for each student and must be limited to one choice school or program. A listing of all siblings, regardless of age, who reside in the same household, must be submitted with the application;

5. An application must be submitted for the sibling of a student already enrolled in a District school. A sibling is not granted automatic approval to attend a choice school;

6. An application must be submitted for any situation formerly handled by special permission (unique and unusual), including the accommodation of childcare needs;

7. An applicant will receive notice that the application for a "choice school" has been received;

8. Applications will not be accepted for students who have been expelled from another school district until that district readmits the student;

9. At the time the Choice invitation is accepted, a behavioral contract must be completed by the parent for all students and submitted via the online application process within ten (10) business days of the acceptance.
GUIDELINES FOR CONSIDERATION OF APPLICATIONS

A. The District shall accept applications consistent with policy until there is a lack of capacity in each school. Students who meet the District’s criteria for acceptance in the policy but who are not selected due to a lack of capacity in the school shall be placed on a waiting list maintained by the District until the first day of the school year for which they applied. “Lack of capacity” means that the school or program calculates projected enrollment for the following academic year to be at least 85% of its capacity.

B. Choice applications received by the applicable deadline will be considered in the following order:

1. Returning students who continue to meet the requirements for the program or school, including students graduating from one school to another within a single program;

2. Students who meet the requirements for the program or school and who seek to attend based upon the residence of the student’s parent within the designated feeder pattern, if any, for the school;

3. Siblings of students already enrolled in the school who will be returning to the school for the following academic year, provided that any siblings seeking priority under this paragraph meet the requirements for the program or school. Priority may be given to siblings of students who live in the District over siblings of students who do not live in the District;

4. Child(ren) of a current full-time, permanent employee of the Cape Henlopen School District who meets the requirements for the school or program. Priority will be given to child(ren) of staff members who reside in the District over child(ren) of staff members who do not live in the District;

5. Students who reside within our District’s attendance boundaries but have moved out of the attendance zone for the school they attend.

6. Students who have resided within our District’s attendance boundaries for two (2) years or more and have moved out of our District.

7. Students who have resided within our District’s attendance boundaries for less than two (2) years and have moved out of our District.

8. District students in grades K-8 who reside within the District and wish to attend a school outside the designated feeder pattern; and

9. Students residing in other school districts who meet the Cape Henlopen academic, behavior and attendance requirements.
C. If there are more applicants than slots available in any specific school and grade level, a lottery will be held from that pool of applicants for the available slots.

D. Applications received after the applicable deadline due to “good cause” shall be considered in the order set forth in Paragraph A.

E. Criteria for accepting or rejecting an application:

   In reviewing applications in the order set forth above in Paragraph A, the following criteria (listed in priority order) will be applied:

   1. Capacity of the affected schools or programs as defined in Title 14, Chapter 4 of Delaware Code; and

   2. If the student has been suspended, expelled, or truant in his/her district of residence.

F. Timeline for Approval

   1. Approval or non-approval of the applications meeting the deadline will take place by the last day of February for grades 1-12 and by June 15 for kindergarten. Applications for schools where there is no capacity but meet the requirements for approval shall be considered non-approved, but will be placed on a wait list in the order they were received.

   2. Within ten (10) working days of receiving an application, the District will transmit a notice to the district of residence that we have received the application.

   3. The Board of Education will take action to approve or disapprove applications meeting the “Good Cause” provision no later than 45 days after receipt thereof; and

   4. The Board of Education will transmit notice of the Board’s action within five (5) working days after Board action.

DURATION OF CHOICE SCHOOL ENROLLMENT

A student will be enrolled in the choice school until completion of the program and/or grade level configuration of the school.

TERMINATION OF ENROLLMENT IN SCHOOL CHOICE

1. Enrollment in a choice school will be terminated automatically upon the completion of the program or completion of the last grade level contained in the choice school.

2. By agreement of the receiving district Board of Education and the district of residence Board of Education, students who fail to meet the academic requirements of a choice school will not be permitted to return the next school year. Meeting the academic requirements is defined as meeting the district standards for promotion to the next grade level and/or completion of the necessary credits to be on track for graduation.
3. By agreement of the receiving district Board of Education and the district of residence Board of Education, students who engage in conduct which may result in a recommendation to expel, continually disrupt the educational process, or violate the School Choice Behavior Contract will not be permitted to return to the choice school for the following school year.

4. By agreement of the receiving district Board of Education and the district of residence Board of Education, students who have excessive absences or tardies will not be permitted to return.

5. A parent may apply to terminate enrollment in a choice school at the end of a school year by providing the withdrawal application to the Office of the Superintendent, District Office, Cape Henlopen School District, 1270 Kings Highway, Lewes, Delaware, 19958, by December 1; and

6. An application to withdraw may be accepted after December 1 if the deadline was missed due to "good cause." Good cause is as defined in Paragraph 2 of the application procedures. The District will send the parent notice that the application to withdraw has been received and a copy will be sent to the student's district of residence. Approval or disapproval of the application to withdraw will take place by December 15 or within 15 days of receipt of the application to withdraw, whichever is later.

TRANSPORTATION

Students will be provided transportation to and from the choice school by the District if the student meets the distance eligibility requirements established by the state and complies with the District's rules. If the District provides transportation, the parent is responsible for getting the student to and from a District designated location on a regular bus route for the choice school.

INTERSchOLASTIC SPORTS

1. Students shall be governed by the rules of the Delaware Interscholastic Athletic Association with regard to eligibility of transferring students.

2. A student enrolled in a choice school in grades 10 through 12 will not be allowed to participate in the interscholastic sports program during the first year of enrollment in the choice school if the student attended a different choice school the preceding year unless the sport was not offered at the previous school.

FUNDING

The district of residence, the receiving district and the new district of enrollment will agree to a proration of student funding in the event of a midyear termination of a choice enrollment.

UNSAFE SCHOOL CHOICE OPTION FOR STUDENTS IN PERSISTENTLY DANGEROUS SCHOOLS AND FOR STUDENTS WHO HAVE BEEN VICTIMS OF A VIOLENT FELONY

In accordance with Delaware Department of Education Regulation #608, Unsafe School Choice Option for Students in Persistently Dangerous Schools and for Students Who Have Been Victims of a Violent Felony, the Cape Henlopen School District has adopted the following policy and procedures.
The regulation requires:

A student attending a persistently dangerous school shall be allowed to choice to a safe school in the same school district, including a charter school; provided such an option exists within the District, the student should be permitted to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring;

A student who is the victim of a violent felony while in or on the grounds of a school in which the student is enrolled shall be allowed to choice to a safe school in the same school district, including a charter school; provided such an option exists within the District. The student should be permitted to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring.

UNSAFE SCHOOL STUDENT TRANSFER OPTION PROGRAM

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

Option A: Schools Identified as Persistently Dangerous

3. Within ten school days of receiving a persistently dangerous designation from the Department of Education, the District will notify parents of eligible Unsafe School Transfer Option Program students by mail. A Transfer Option Application will be attached to the notification letter. Parents of students moving to a persistently dangerous school at the end of their grade level cluster will also be notified by mail. All parents registering student at a designated school will receive a notice and Transfer Option Application at the time of registration;

The District will accept Unsafe School Student Transfer Option Applications for fifteen school days following the date of the notification mailing. Applications for in-coming kindergarten students will be accepted through the first day of the new school year;

Parents will have the option to transfer to another District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form;

Transfers of students will occur within 30 school days of Department of Education notification to the District. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop; and

A corrective action plan will be developed and filed with the Department of Education within 20 school days from the date that the District learns that a school has been identified as persistently dangerous.
Option B: Victim of a Violent Felony at School

1. Within five school days from the date of the acknowledgement of a violent felony charge that occurred in or on the grounds of a District school, the District will notify the victim's parents by certified mail of the Unsafe School Student Transfer Option. A Transfer Option Application will be attached to the notification letter;

3. Parents have ten (10) school days from the date of the certified mailing to exercise their option to transfer to a safe District school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. School options available will be listed on the application form; and

The student will be transferred within 30 school days of the District’s notification of violent felony charges being filed. Transferring students will be assigned to bus stops currently servicing their option school by the District Transportation Department. Parents will be responsible for providing transportation to and from their assigned bus stop.
ELIGIBILITY REQUIREMENTS

1. The applicant must be a person, college, university, or entity.

2. The applicant must not be home-based, religious, and/or sectarian.

3. Private or religiously affiliated schools may not apply.

4. The proposed school must have at least two or more grades in the K-12 grade span.

5. The proposed school must have at least 200 students except the first two years of operation when 100 students will be the minimum. This minimum student enrollment may be waived if the proposed school is for at-risk or special education students.

6. The applicant must be incorporated under the Delaware General Corporation Law.

7. The proposed school may not be formed to circumvent a court-ordered desegregation plan.

APPLICATION PROCEDURES

1. For a charter school to begin September 1996, the application must be submitted by October 30, 1995.

2. For operation after the 1996-97 school year, applications must be submitted by December 31 for schools to be established on or before the second September thereafter (e.g., application in December 1996 for a charter school opening in September 1998).

3. Applications must be submitted to the Office of the Superintendent, Administrative Office, Cape Henlopen School District, 1270 Kings Highway, Lewes, Delaware, 19958.

4. Within 20 days of receipt of an application, the board will hold a public meeting to decide whether or not to consider the application.

5. If the board decides to consider an application, the board shall, within five days of such a decision, form an accountability committee consisting of three board members, director of instruction, director of business operations, and superintendent to review the application and prepare a report for the board.

6. At least 15 days before the committee presents a report to the board, the committee will meet with the applicant and provide the applicant an opportunity to review and comment on the committee's report.

7. The board will hold a public hearing regarding the application. The public will be given at least 15 days' notice of the hearing.

8. The board will hold a public meeting within 90 days of receipt of the application to vote to approve or not approve the application.
9. Upon receipt of an application, the district will send the applicant a tentative time line for the application process.

CRITERIA FOR THE CONSIDERATION OF APPLICATIONS

1. The applicant must be qualified to implement the proposed education, program.

2. The board of directors must include teachers and parents of students of the proposed school.

3. Certified teachers, parents, and community members must have been involved in the development of the proposed charter.

4. The chosen form of organization must conform with the Delaware General Corporation Law.

5. The proposed school's mission statement, goals, and educational objectives must:
   (a) be intended to improve student learning;
   (b) encourage the use of different and innovative or proven school environments and teaching and learning methods; and
   (c) provide parents and students with improved measures of school performance.

6. Goals for student performance must have been set and satisfactory indicators must be used to determine if students meet or exceed such goals as well as the State Board's academic standards.

7. There must be a satisfactory plan for evaluation of student performance and procedures for taking corrective action.

8. The proposed school's educational program must potentially improve student performance.

9. The educational program must include strategies to accommodate the needs of at-risk students and those needing special education services.

10. The proposed school must be economically viable based upon the proposed budget of projected revenues and expenditures for the first three years of operation.

11. The financial and administrative operations must meet or exceed the district's standards, procedures, and requirements.

12. If the charter school proposes to operate outside of the state's accounting, payroll, purchasing, compensation, pension, or benefits systems, a memorandum of understanding must be executed by the charter school, the district, the budget director, and the controller general to assure that the state's fiduciary duties and interests in the proper use of funds are fulfilled and protected, the state's financial reporting requirements are satisfied, and the interests of charter school employees are protected.
13. The types and limits of insurance coverage planned by the proposed charter school must be adequate.

14. The plan for student discipline and student attendance must comply with the state and federal law.

15. The plan for the transportation of the students to the proposed school must meet state requirements.

16. The plan for providing meals to the students must be adequate.

17. The plan to assure the health and safety of students, employees, and guests of the school must be satisfactory.

18. The plan for accepting students in the proposed school must be detailed and assure nondiscrimination.

19. The qualification of the faculty and staff of the proposed school will be detailed. The charter school must follow the law with regard to employee background checks.

20. If the application is to convert an existing district school, the district will consider the process used to conduct the mandatory voting, by school staff and parents residing in the attendance area of the school.

REPORTING AND OVERSIGHT

1. By November 1 the charter school must submit an annual report for the previous school year to the board and the State Board.

2. The annual report must be in the format prescribed by the state and district. The report must include information regarding the school's progress in meeting student performance goals and standards as well as a financial statement.

3. The district will, at least every three years, conduct financial and programmatic compliance audits of the charter school.

4. District representatives shall be provided access to charter school records and databases in order to perform the audits outlined in No. 3.

5. The charter school will provide the district with copies of all policies and regulations related to students and personnel and all contractual agreements for goods or services.

6. Performance reviews will be conducted within three years of the granting of the charter and at least every five years thereafter upon notice to the charter school. In addition, the district may notify the charter school that a performance review will be initiated due to potential violations of the charter.
7. The Board will appoint an accountability committee to conduct the performance review and prepare a report for the board.

8. During the review, the accountability committee will meet with representatives of the charter school and provide the charter school an opportunity to review and comment on the committee's report 15 days before it is presented to the board.

9. The board will hold a public meeting within 90 days of giving notice of review to the charter school to approve or disapprove the report of the accountability committee. The charter school will receive at least 30 days notice of this meeting.

10. If the accountability committee report is satisfactory but the Board does not approve the report, the board will provide reasons and hold a public hearing within 30 days to decide appropriate remedies.

11. If the accountability committee report finds probable grounds for remedial measures, the board will hold a public hearing after giving the charter school at least 30 days' notice.

12. If the board determines that remedial action is warranted, the charter may be revoked or the charter school may be placed on probation.

13. A decision to revoke a charter or place a charter school on probation is subject to arbitration provided the charter school files for arbitration with the American Arbitration Association in Philadelphia within 20 days of the board's decision. The filing must contain reasons why the charter school believes the board's decision was not correct. A copy of the filing must be provided to the board at the same time it is submitted to the American Arbitration Association.

REVOCATION CRITERIA

1. Approved charters will be revoked or placed on probation only for the following reasons:

   (a) The charter school, or its representative, committed a material fraud on the district or misappropriated federal, state, or local funds; or

   (b) The charter school failed to comply with its charter or failed to satisfy the criteria for the approval of the charter.

DISTRICT RELATIONSHIP TO CHARTER SCHOOL

1. Employees of the charter school are not employees of the district and the district has no obligation to provide employment to such individuals except as provided in No. 2.

2. The board will grant a currently employed teacher a leave of absence for three consecutive years to take a position in a charter school. The teacher will be allowed to return to the district after the three years provided the teacher (a) notifies the district by April 15 preceding the school year in which the teacher intends to return; (b) was not terminated by the charter school; and (c) continued to work for the charter school for the three-year period. The seniority date of the returning teacher is adjusted for the time spent on leave as outlined in the negotiated agreement.
3. The district will provide transportation to and from the charter school for the students provided:

   (a) The charter school requests such a service by March 1 for the following school year and provides the district with a list of eligible students and addresses;

   (b) The students are eligible for transportation according to state guidelines;

   (c) The transportation routes and drop-off/pickup times are as established by the district; and

   (d) The district receives the state reimbursement for providing the students with transportation.

4. The district will not be responsible for any debt or fiscal obligation of the charter school.

5. If the charter school wants to use available space in a district-owned facility, the charter school must enter into the district's standard lease or facility-use agreement. Payment for the space, services, and utilities will be outlined in the agreement.

6. The use of district space by a charter school will be reviewed annually by the district and if the district needs the space, the lease or facility-use agreement may be terminated by giving one year's notice to the charter school.

7. For the students who live within the district, the district will, on or before November 30, pay the charter school the local per-pupil cost as calculated by the state, minus the transportation cost, provided a final roster of students was submitted by September 30. The district shall advance 35 percent of the anticipated funding by July 15 of each fiscal year, provided the charter school provides the district a preliminary roster of students who reside within the district by May 1.

8. The district, at its sole discretion, may provide food services to the charter school provided the charter school:

   (a) Requests such service by May 1 preceding the school year for which service is requested; and

   (b) Enters into a food service agreement prepared by the district outlining the services to be provided and the cost of the services.
The Board of Education recognizes the importance of student health services and the integration of those services into the total school program. Licensed health care providers employed by the district shall practice according to their professional practice acts as well as policies developed by the district and the state of Delaware. Unlicensed health care providers will follow district and state of Delaware guidelines.

It is expected that each health care provider position, licensed or unlicensed, within the school district will have written policies and guidelines. These documents shall be readily available to the health care provider as well as all other district staff.

Each health care provider group under the direction of appropriate district administrators will develop and review their written policies and guidelines biennially. The purpose of review includes, but is not limited to, the following:

- The assurance of student health and education promotion
- The delineation and integration of health care services
- The updating of current professional health care practices

Adopted: June 26, 1986
Revisions: August 27, 1998
OVERVIEW

The Cape Henlopen School District Board of Education believes that students’ health and wellness play vital roles in their academic and social development. To this end, the Board recognizes the importance of the District’s coordinated health and physical education program and the District’s child nutrition program in helping students make healthy choices and avoid behaviors that can harm their health and wellbeing.

HEALTH EDUCATION

The Board of Education recognizes that student health and success in school are interrelated. Schools cannot achieve their primary mission of education if students and staff are not healthy and fit physically, mentally and socially.

The Board recognizes the need to have a comprehensive health education program for all students that emphasizes wellness. The concepts addressed in the comprehensive health education curriculum will be:

1. Tobacco, Alcohol and Other Drugs
2. Injury Prevention and Safety
3. Nutrition and Physical Activity
4. Family Life and Sexuality
5. Personal, Social and Emotional Health
6. Community and Environmental Health

It is the intent of the Board of Education that the District’s program be designed in response to demonstrated community needs, be based on models that demonstrate evidence of effectiveness, emphasize a positive youth development approach, and respond to district families’ needs and preferences. The school health program shall be designed to incorporate the following:

1. A school environment that is safe, that is physically, socially, and psychologically healthful, and that promotes health-enhancing behaviors;
2. Teaching all students the essential knowledge and skills needed to become health literate, to make health-enhancing choices while avoiding behaviors that can damage their health and well being;
3. A sequential, age-appropriate health education, physical education, and nutrition instruction curriculum provided in kindergarten through grade 12 that is integrated with other areas of study as appropriate and is designed to motivate and help students maintain and improve their health, prevent disease, and avoid health-related risk behaviors;
4. Food services activities that are coordinated with the district’s nutrition education curriculum;
5. School health services activities that are designed to ensure access and/or referral to primary health care services, foster appropriate use of health care services, prevent and control communicable disease and other health problems, and provide emergency care for illness or injury;
6. Counseling, psychological, and social services activities that are designed to ensure access and/or referral to assessments, interventions, and other services for student’s mental, emotional, and social health; and,
7. Integrated family and community involvement activities that are designed to engage families as active participants in their student’s education, that support the ability of families to support student’s school achievement, and that encourage collaboration with community resources and services to respond more effectively to the health-related needs of students, and opportunities for school staff to improve their health status through activities such as health assessments, health education, health-related fitness, and similar activities.

The superintendent and his/her staff will develop administrative procedures as needed for the implementation of this policy, including specific provisions for the responsibilities of staff under the District’s program and for evaluation of each component of the District’s health program on an annual basis.

PHYSICAL EDUCATION

The Board of Education recognizes that physical education is an important part of each student’s education with the goal of influencing students to lead physically active lifestyles. The District will offer physical and health education classes consistent with Delaware state standards by developing and maintaining a physical education program that includes:

1. Building knowledge and skills for the enjoyment of life long physical activity;
2. Creating a positive atmosphere for ALL students to participate in physical activities;
3. Enhancing skills in leadership, teamwork, and self-confidence; and,
4. Utilizing technology within the curriculum to enhance motivation and participation.

The superintendent and his/her staff, along with school principals, will develop and maintain an evaluation process that will utilize classroom-based assessments or other strategies to evaluate the effectiveness of the physical education program on an annual basis.

Schools are encouraged to offer all students in grades K-5 an average of one hundred (100) minutes and grades 6-8 two hundred and fifty (250) minutes of instructional time per week of physical education. This includes instruction and practice in basic movement and fine motor skills, progressive physical fitness, and wellness activities through age-appropriate activities. The Board of Education encourages high school students to complete physical education and health credits beyond the minimum state requirements.

Suitable adapted physical education shall be included as part of individual education plans for students with chronic health problems, other disabling conditions, or other special needs that preclude such students’ participation in regular physical education instruction or activities.

In addition to required physical education, students at the elementary level should have the opportunity to participate in daily recess and physical activity. Elementary schools shall provide daily recess period(s) for students, featuring time for unstructured but supervised active play. Schools are encouraged to provide adequate co-curricular physical activity programs, including fully inclusive intramural programs and physical activity clubs; and to promote the use of school facilities for physical activity programs offered by the school and/or community based organizations outside of school hours.

The national recommendations of 60 minutes per day of moderate to vigorous physical activity should be the goal for all students. This goal could be achieved through a combination of physical education class, regular classroom activities, recess, and after-school programs.

Students should not be excluded from participating in physical education classes or opportunities for physical activities as a consequence for unrelated disciplinary infractions, nor should physical activity be used as a disciplinary measure.
DELWARE KIDS FITNESS CHALLENGE ACT

This District will implement the physical activity program for public school students in the fifth grade as established by the State Board of Education. Fitness challenges adopted by the President’s Council on Physical Fitness and Sports will be incorporated into the program.

CHILD NUTRITION PROGRAMS (REGULATION)

The Cape Henlopen School District Child Nutrition Services Department will operate the USDA federal breakfast and lunch program.

As required for participation in the Child Nutrition Programs, the Board of Education prescribes that:

1. School lunch is to be made available to all students.
2. Free and reduced price lunches are to be made available for students who meet the federal income guidelines.
3. In the operation of the Child Nutrition Programs, no child will be discriminated against because of race, sex, color, national origin, age or disability. Discrimination complaints under these programs should be filed with the State Department of Education Child Nutrition Programs.

The Supervisor of Child Nutrition Services is directed to prepare rules and regulations to implement and support this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school, including provisions for staff development, family and community involvement and program evaluation.

In accordance with the policy of the Board of Education, the following regulation shall govern the comprehensive nutrition programs in this school district.

“210.11 Competitive Food Service”
Competitive Food means any foods sold in competition with the school breakfast and lunch programs to children in food service areas during serving periods.

“The sale of other competitive foods may, at the discretion of the State Agency and School Food Authority, be allowed in the food service area during the lunch period if all income from the sale of such foods accrues to the benefit of the non-profit school food service or the school or student’s organizations approved by the school.”
(Federal Regulation 7CFR Part 210.11 (B)

SCHOOL CAFETERIAS

1. Any student may eat in the school cafeteria or other designated place.
2. Students may bring their own lunch. Milk or other beverages may be purchased in the school cafeteria if desired.
3. Meal prices will be conspicuously posted in each cafeteria.
4. All guests should contact the child nutrition manager/designee at the school site for space availability.
5. Use of dining room facilities by non-district organizations or individuals must have approval of the Supervisor of Child Nutrition Services.
6. The Supervisor of Child Nutrition Services will develop in-service training programs for the child nutrition staff.
7. Qualifications for free and reduced-price meals will vary each year in accordance with the annual income eligibility guidelines.
NUTRITIONAL GUIDELINES

The Cape Henlopen School District Board of Education recognizes that childhood obesity has reached epidemic levels throughout the country. Overweight children are at a higher risk for developing severe long-term health problems, and overweight children are affected by discrimination, psychological stress, and low self-esteem. However, research indicates that obesity and subsequent diseases are largely preventable through diet and regular physical activity. Research also indicates that becoming physically active and maintaining a regular physical activity program significantly reduces the risk of some obesity and some cancers, diabetes, and other chronic diseases.

Children who eat well-balanced meals and are healthy are more likely to learn in the classroom. The Board supports increased emphasis on nutrition, health education, and physical activity at all grade levels to enhance the well-being of our district’s youth. Therefore, it is the policy of the board to:

1. Provide students access to nutritious food;
2. Provide opportunities for physical activity and developmentally appropriate exercise; and,
3. Provide instructional time in health topics.

In order to assist students in establishing sound nutritional habits, to assure that sanitary food practices are maintained, and to preserve a sound financial status in the school nutrition program the Supervisor, Child Nutrition Services is responsible for ensuring that:

1. The sale or distribution of nutrient-dense foods (i.e., foods that provide students with calories rich in nutrient content) shall be encouraged;
2. Foods of minimal nutritional value (i.e., soda, water ice, chewing gum, candy, etc.) shall not be available to students during the school day;
3. Nutrition Services will communicate with parents and staff to encourage them to supply healthy snacks, in lieu of sugary snacks, for classroom parties. A list of possible snacks will be supplied to all parents and staff;
4. Samples of nutritious foods, for taste testing, will be provided as time and staffing allows;
5. The Supervisor of Child Nutrition shall provide the school nurses with an updated copy of Food Values of Portions Commonly Used (Boyles & Church) which contains the nutritional analysis of most of the food products offered in the child nutrition program;
6. No food or beverage vending machines shall be permitted in school buildings without the permission of the building principal and Supervisor of Child Nutrition;
   a. Student vending machines will include only healthy snacks and beverages,
   b. Faculty will be encouraged to include healthy snacks and beverages in their vending machine selections.
7. Nutrition services will provide a-la-carte offerings based on the goals of the Dietary Guidelines for Americans and the Delaware Action for Healthy Kids agenda;
8. A brochure will be sent home annually to parents encouraging healthy eating habits;
9. Point-of-decision posters will be displayed in the dining area to encourage healthy eating.

NUTRIENT STANDARDS

ELEMENTARY SCHOOLS

Snacks
- No more than 35% calories from sugar or other sweeteners.
- No more than 8 grams of fat per serving and/or having 35% or less of its total calories from fat.
- 10% or less of its total calories from saturated fat and/or trans fat.

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CAPE HENLOOPEN SCHOOL DISTRICT  
BOARD POLICY

Beverages
- Must be made with at least 50% and up to and including 100% real fruit and must not contain added sweeteners.
- Dairy products must include low fat or skim milk selections, including but not limited to chocolate, strawberry, and soy or rice beverages.
- Water

MIDDLE/HIGH SCHOOLS
Snacks
- No more than 35% calories from sugar or other sweeteners.
- No more than 8 grams of fat per serving and/or having 35% or less of its total calories from fat.
- 10% or less of its total calories from saturated fats or trans fat.
- Beverages must be made with at least 50% and up to and including 100% real fruit juice and must not contain added sugar sweeteners.
- Electrolyte replacement beverages with no more than 30 grams of sugar per 12 ounce serving size.

Foods of minimal nutritional value as defined by USDA regulations:

“210.11 Foods of Minimal Nutritional Value”
A food which provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving and in the case of all other foods, a food which provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of eight specified nutrients per serving.

Examples: Soda water, water ices, chewing gum, and certain candies (hard candy, jellies/gums, marshmallow, fondant, licorice, spun candy, candy coated popcorn) are prohibited.

Schools shall move to eliminate any items containing trans fats.

Portion sizes of items with minimal nutritional value:

1. One and one-half ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, or dried fruit.
2. Two ounces for cookies or cereal bars.
3. Three ounces for bakery items, including but not limited to, pastries, muffins and donuts.
4. Four fluid ounces for frozen desserts, including but not limited to ice cream.
5. Twelve-ounces for beverages (except water and milk products).

NUTRITION AND FOOD SERVICES OPERATION

In order to support the school’s nutrition and food services operation as an essential partner in the educational mission of the District and its role in the District’s comprehensive nutrition program, the building principal is responsible for ensuring:

1. The school encourages all students to participate in the school’s child nutrition program meal opportunities.
2. The school notifies families of need-based programs for free or reduced-price meals and encourages eligible families to apply.
3. The school’s child nutrition program maintains the confidentially of students and families applying for or receiving free or reduced-price meals in accordance with the National School Lunch Act.
4. The school’s child nutrition program operates to meet nutrition standards in accordance with the Healthy Meals for Healthy Americans Act of 1994, as amended, and with applicable state laws and regulations.
5. The school sells or serves varied and nutritious food choices consistent with the applicable federal government Dietary Guidelines for Americans.

6. Food prices set by the district are communicated to students and parents. District pricing strategies will encourage students to purchase full meals and nutritious items.

7. The District will attempt to provide substitute foods to students with disabilities upon written parental permission and a medical statement by a physician that identifies the student’s disability, states why the disability restricts the student’s diet, identifies the major life activity affected by the disability, and states the food(s) to be omitted and the food or choice of foods that must be substituted.

8. Food service equipment and facilities meet applicable local and state standards concerning health, safe food preparation, handling and storage, drinking water, sanitation; and workplace safety.

9. Students are provided adequate time and space to eat meals in a pleasant and safe environment. School dining areas will be reviewed to ensure:
   a. Tables and chairs are of the appropriate size for students;
   b. Seating is not overcrowded;
   c. Students have a relaxed environment;
   d. Noise is not allowed to become excessive;
   e. Rules for safe behavior are consistently enforced;
   f. Tables and floors are cleaned between meal periods;
   g. The physical structure of the eating area is in good repair;
   h. Appropriate supervision is provided.

FOODS OF MINIMAL NUTRITIONAL VALUE AND COMPETITIVE FOOD SALES

In keeping with federal regulations, the District controls the sale of foods of minimal nutritional value and all competitive foods. Refer to Nutritional Guidelines.

Accordingly, where there is a vending machine, the District will offer choices from the following nutritional food items:

1. Fresh fruit (e.g., apples and oranges), fresh vegetables (e.g., carrots; fruit and vegetable juice (at least 50% full strength), and bottled water (within established district guidelines);
2. Low-fat crackers and cookies (e.g., fig bars and ginger snaps, popcorn, pretzels,
3. Bread products (e.g., bread sticks, rolls, bagels, and pita bread);
4. Ready-to-eat, low sugar cereals (e.g., granola bars made with unsaturated fat);
5. Low-fat (one percent) or skim milk, low-fat yogurt.

(NOTE: The District may modify the list as necessary)

The Cape Henlopen School District Child Nutrition Program ensures that:

1. Fresh fruit and side salads are offered daily;
2. All fries are baked (no fryers in the district);
3. Reduced fat ice cream is available;
4. A-la-carte beverages will be 12 ounces or less, with the exception of 16 ounce plain bottled water offered at the high school;
5. Snacks offered, at elementary and middle school levels, are sold only to students who have purchased a reimbursable meal or have brought lunch from home, and the number permitted is limited to grade level of school (e.g., elementary, middle);
6. Food preparation techniques, food offerings, and the nutritional content of food items are re-evaluated on a regular basis.
OTHER FOODS OFFERED OR SOLD

The Board of Education recognizes that federal government standards requiring schools to provide child nutrition program meals consistent with applicable Dietary Guidelines for Americans do not apply to competitive foods sold or served outside the food service areas as defined in this policy.

STAFF DEVELOPMENT

The Board of Education encourages ongoing in-service and professional development training opportunities for staff, in the area of food nutrition. All child nutrition staff are required to complete 120 hours of training offered through Department of Education and Delaware Technical Community College. Staff members interested in furthering their education and/or in managerial positions are required to complete an additional 60 hours of training as offered by Delaware Department of Education and Delaware Technical Community College.

FAMILY AND COMMUNITY INVOLVEMENT

In order to promote family and community involvement in supporting and reinforcing nutrition education in the schools, the building principal is responsible for ensuring:

1. Nutrition education materials and cafeteria menus are sent home with students;
2. Parents are encouraged to send healthy snacks/meals to school;
3. Families are invited to attend exhibitions of student nutrition projects or health fairs;
4. Nutrition education workshops and screening services are offered;
5. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes, etc.).

PROGRAM EVALUATION

In order to evaluate the effectiveness of the school health program in promoting healthy eating and to implement program changes as necessary to increase its effectiveness, the building principal is responsible for ensuring:

1. Board policy and related regulations are implemented as written;
2. All building, grade-level nutrition education curricula and materials are assessed for accuracy, completeness, balance, and consistency with state and local district educational goals and standards;
3. Nutrition education is provided throughout the student’s school years as part of the District’s age-appropriate, comprehensive nutrition program;
4. Teachers deliver nutrition education through age-appropriate, culturally relevant, participatory activities that include social learning strategies and activities; and,
5. Families and community organizations are involved, to the extent practicable, in nutrition education.
200 PUPILS
211 Student Accident Insurance

The Board recognizes the need for insurance coverage for unforeseen accidents which may involve students in the course of attendance at school or student participation in school sponsored activities.

A voluntary program for all students is encouraged by the Board of Education whereby students can be insured for accidents. This District provides an optional insurance program in which parent may enroll.

Students participating in interscholastic athletics are covered by the school's insurance program in the event there is no parental health insurance coverage.

Parents/Guardians are advised to become familiar with the District’s student accident insurance coverage.
The Cape Henlopen School District Board of Education believes that the purpose of family life and sexuality education is to help students acquire factual knowledge, skills, and attitudes, which will result in behavior that contributes to the well being of the individual, the family, and society.

Helping students attain a mature and responsible attitude toward human sexuality is a continuous task of every generation. It is the primary responsibility of parents to provide family life and sexuality education and to assist their children in developing moral values. It is the responsibility of the schools to provide supportive instruction, which will complement the efforts in the home.

The curriculum and information presented in these courses will be in compliance with the Health Standards adopted by the Department of Education of the State of Delaware.

GUIDELINES

1. Definition: Family life and sexuality education, not to be confused with sex information, is best described as that part of character education which develops a reverence and respect for birth and life, the human body, and parenthood. It includes instruction to develop understanding of the physical, mental, emotional, social, economic, and psychological phases of human relationships. It includes more than the anatomical and reproductive information, and it emphasizes the development of positive attitudes.

2. Programs and materials relating to family life and sexuality education shall be abstinence based.

3. Family life and sexuality education in grades 9-12 shall be conducted within the framework of courses such as: Health, Biology, Psychology, Parenting & Child Development, Human Development, and Physiology.

4. Elementary schools will offer a maturation program for each fifth-grade girl and her parents/guardians, and each fifth-grade boy and his parents/guardians. The purpose of the program will be to provide accurate information about sexual development and to encourage discussion in the home. Parents/guardians may request that their students not take part in the program. Such requests must be made in writing and addressed to the school principal.

5. As parent/guardian interest warrants, parenting skills classes may be conducted within the district. These classes would focus on enhancing the parents’ role as they teach their children responsible values and attitudes about sexuality.

6. Teachers responsible for teaching family life and sexuality components of the health curriculum will send a letter home to students’ parents/guardians prior to such instruction. The letter will inform parents/guardians of the content and the learning outcomes of the lessons/units. The letter will be approved by and copied to the school principal.

7. In grades 5, 6, and 7, family life and sexuality lessons/units will be conducted with same-sex classes. In grades 8-12, such lessons/units will be conducted in co-ed groupings.

Adopted: July 27, 2006
The Board recognizes that a system of grading student achievement can help the student, teachers, and parents to better assess the student's progress toward personal educational goals.

GRADING

The Superintendent will ensure the utilization of a satisfactory method of grading and reporting of grades and evaluations of the achievement and development of each student in the Cape Henlopen School District.

The primary intent of the grading system is to communicate student progress and academic achievement on a regular basis to students and parents through student progress reports, report cards, and other formal and informal communications.

Reporting of student progress and grading policies should be used as positive motivational tools; teachers should use their professional judgment to maximize student success.

Teachers will distribute predetermined student learning expectations and outcomes to students and parents/guardians at the beginning of each school year or semester as appropriate. Principals will ensure that the distributed student learning expectations and outcomes are consistent with the established District curriculum.

Each teacher will also distribute his/her progress reporting/grading policy to students/parents at the beginning of each school year or semester as appropriate. The grading policy should state how grades are calculated. It is recommended that these policies be shared with students and parents by the first student day.

Principals will ensure that each progress reporting/grading system is consistent with:

1. the District’s grading policy;
2. sound educational practice that supports motivation, positive reinforcement, and high achievement for all students; and are the same as:
3. policies used by other teachers in the same grade or department who are teaching the same course/subject.

Teachers will have the responsibility for determining student progress/grades consistent with the District’s policy. However, the final decision regarding a student progress rating change or a student grade change will rest with the Superintendent following established procedures.

For Grades K-12, report cards will be distributed quarterly to students/parents.

Teachers at the middle schools and the high school will provide parents/guardians with interim progress reports for all students. In addition, teachers are encouraged to communicate to parents/guardians any outstanding or improved student performance.

Student interim progress reports will include teacher comments that communicate students’ strengths and areas of need relative to academic achievement, effort, and behavior.

Building principals are responsible for the implementation of this policy and for the establishment of additional building procedures as appropriate.
GRADING SCALES

For grade-reporting purposes, the grading scale for all students will be as follows:

<table>
<thead>
<tr>
<th>Kindergarten</th>
<th>Grades 1-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>E = Excellent</td>
<td>A = 93-100</td>
</tr>
<tr>
<td>G = Good</td>
<td>B = 85-92</td>
</tr>
<tr>
<td>S = Satisfactory</td>
<td>C = 75-84</td>
</tr>
<tr>
<td>N = Needs Improvement</td>
<td>D = 70-74</td>
</tr>
<tr>
<td>U = Unsatisfactory</td>
<td>F &lt; 70</td>
</tr>
<tr>
<td>- = Not Applicable</td>
<td></td>
</tr>
</tbody>
</table>

To ensure the opportunity for student success in light of a failing grade, a student in grades 1-12 will not receive a failing grade lower than 60 on a report card for all but the final marking period of the course. If the actual class grade is lower than the reported grade, a comment indicating such will appear on the report card. Additionally, the teacher issuing the minimum failing grade shall request a meeting with the student’s parents/guardians.

WEIGHTING OF HIGH SCHOOL COURSES

Students in Advanced Placement (AP) classes are strongly encouraged to take AP exams since this can potentially provide college credits. An AP course shall be given a weight of 1.10 when calculating grade-point averages (GPA) and establishing rank.

Honors courses will be given a weight of 1.05 when calculating GPA and establishing class rank.

College preparatory (CP) classes will be given a weight of 1.00 when calculating GPA and establishing class rank.

Academic Challenge courses at the 11th and 12th grade levels will be given a weight of 1.1. Academic Challenge courses at the 9th and 10th grade levels will be given a weight of 1.05.

REPORT CARDS

The Superintendent will ensure that all report card evaluations will be uniform throughout the District for any given grade level and type of school unless a given school or schools has been specifically authorized to deviate from the uniform system.

CONFERENCES

Parent/Guardian conferences relative to student progress will be scheduled as needed. Whenever possible, such conferences are to be arranged to accommodate parents’/guardians’ schedules.

Principals will communicate the progress report/grading system to parents sometime during the first quarter of the school year.

Throughout the school year, teachers should establish and maintain open communication with parents/guardians. A record of all communication should be recorded on a Parent Communication Log.

Teachers of grades 6-12 will update grades at least every two weeks so that the parent portal is kept current. At a minimum, each student will have nine (9) recorded grades by the end of each marking period.
At the conclusion of each marking period, teachers must submit a list of all students who have failing grades to their designated administrator. The list will be submitted before the report cards are sent home to parents so that the administrators can review and parents can be contacted.

GRADUATION RECOGNITION

In addition to recognizing a valedictorian and a salutatorian, the Cape Henlopen School District will recognize all students who graduate with a 3.5 or higher final GPA as graduating “with honors.” Students graduating with a 4.0 or higher will be recognized as graduating “summa cum laude.” Graduates recognized with valedictorian and salutatorian honors will have been Cape Henlopen High School students for at least the four consecutive semesters immediately preceding graduation.
Homework is an integral part of a student's learning process in that it provides practice and extension of those skills taught in the classroom. Since homework is considered a strong component of education, a student should view it as serious and necessary and should put forth consistent efforts to complete it to the best of his/her ability. Since all forms of homework should serve the learning process, teachers should never assign homework as punishment, and “no homework” should not be used as a reward for good behavior.

Building principals are responsible for the implementation of this policy and for the establishment of more specific building procedures as appropriate.

PURPOSE OF HOMEWORK

1. Reinforce and practice skills and concepts that have previously been taught.

2. Be meaningful and relevant extensions of the classroom learning activities or provide broader enrichment.

3. Provide opportunities for students to develop independent reading habits and interests.

4. Prepare for tests and quizzes; i.e., to study.

RESPONSIBILITIES OF TEACHERS

1. Design varied homework tasks that can be done by the average student in a reasonable amount of time. Be sensitive to varying student abilities in terms of work rate. Use short-term as well as long-term assignments or projects.

2. Coordinate and plan homework in cooperation with other teachers.

3. Consider and be sensitive to the total needs of the students in relation to the limited amount of time that is available in order that a balance exists between the homework requirements and obligations and opportunities in school activities, community, and family.

4. Carefully preview assignments; i.e., provide good directions and guided practice so that all students clearly understand requirements and final expectations.

5. Emphasize to students the importance of the timely completion of all assignments and suggest specific timelines and milestones for completion of long-term projects.

6. Prioritize the completion of assignments by accepting late assignments with appropriate penalty for late submission.

7. Provide homework that is on a student's independent level, not his/her level of frustration.

8. Provide meaningful, timely feedback as appropriate to the assignment (e.g., review short-term daily assignments to check for understanding; provide more extensive, standards-based feedback for long-term projects).

9. Return collected work in a timely manner.
<table>
<thead>
<tr>
<th>RESPONSIBILITIES OF STUDENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Be diligent in completing assigned homework in a timely manner.</td>
</tr>
<tr>
<td>2. Use an agenda book or other means to record assignments and due dates.</td>
</tr>
<tr>
<td>3. Ask for clarification of assignments if assignments are not understood.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RESPONSIBILITIES OF PARENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lend support to the homework effort by actively supervising.</td>
</tr>
<tr>
<td>2. Provide a setting conducive to study, encourage the student, and demonstrate a genuine interest in his/her progress.</td>
</tr>
<tr>
<td>3. Communicate any concerns with the teacher.</td>
</tr>
</tbody>
</table>
GRADES KINDERGARTEN- EIGHT

OVERVIEW

The Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational settings most appropriate to their needs at the various stages of growth.

The Cape Henlopen School District is committed to the total development of each child to his/her maximum ability. This requires that each student progress at the optimum rate during a reasonable time span.

The vast majority of students will acquire a level of basic skill proficiency each year to enable them to benefit from instruction at the next stage. However, because of individual differences in motivation, interest, and ability, the time required to develop the educational potential of each student may vary. Satisfactory progress for each student will be facilitated through promotion, retention, and/or provision of instructional supports designed to address individual student needs.

In addition to basic skill development in reading, writing, and mathematics, of utmost importance is that each student demonstrates competence in the Common Core State Standards for English-Language Arts and Mathematics, and the Delaware Prioritized Standards for Science, and Social Studies, all the while simultaneously developing socially, emotionally, and physically. Decisions made regarding the placement of each student must consider all factors to ensure a placement that serves the best interests of the student.

This policy is designed to ensure that students of the District who progress satisfactorily through the curriculum and program requirements will meet the graduation requirements established by the Cape Henlopen School District Board of Education and the Delaware Department of Education. The students, through successful completion of the requirements, will be equipped with those skills necessary to become competent and contributing citizens.

PROCEDURES

To be promoted, a student must receive passing grades in English language arts or English as a Second Language (Delaware law) and Mathematics (District requirement). A score on the statewide assessment that indicates proficiency in English Language Arts or in Mathematics may be considered by the principal in lieu of a passing grade in the respective subject.

Near the end of each school year, students in grades Kindergarten through eight will be considered for promotion or retention. Promotion and retention decisions will follow state law and additional local requirements set by the District. An exception that leads to a student’s administrative transfer to the next grade level may be made when, in the judgment of the professional staff, such an exception is in the best educational and emotional interest of the student involved. Teams of professionals, led by the school principal, will consider information including, but not limited to, performance-based data, standardized data, report card grades, relevant information regarding age, size, health, attendance, and extenuating circumstances. The decision is that of the school team with parent/guardian input.
No student will be retained more than once in a grade level, and no student will be retained more than twice within the elementary school (K-5) grade span or within the middle school (6-8) grade span. Such students will be administratively transferred to the next grade level and provided appropriate instructional supports.

Parents/guardians will be contacted regularly throughout the year in regard to pupil progress by the use of the report card, conference, and other progress reporting established by the teacher(s). Notice and opportunity for a conference with the appropriate building staff will be provided to the parents/guardians of any child who may/will be retained.

SAFEGUARDS

Two student safeguards govern this policy. First, each retention decision will be made by a team of professionals, not by an individual. Second, each retention decision will be made on the basis of a depth of data and information, not on a single grade, test result, or factor.

Those students who are of special education status will be provided the same safeguards as all other students. Data considered will include progress toward each goal within the student's Individual Education Plan (IEP). The promotion or retention decision will be made in the same manner as with other students or through the IEP process.

VERTICAL ACCELERATION

The assignment of a student to a higher level, which results in the student being advanced a year or part of a year, shall be made on the basis of exceptionally high achievement by the pupil; evidence that the pupil has met performance standards in the course, unit, level, or grade to be skipped; evidence that the pupil can meet performance standards for the advanced course, unit, level, or grade; and evidence that the pupil will benefit from the instructional program at that level. The probable long-range academic, social, and emotional effect of the decision shall be considered.

The principal has the responsibility for making such assignments and decisions. This decision is made with input from the teacher(s) and consent from the parent(s)/guardian(s).

The student's cumulative guidance record and report card shall be noted to indicate "accelerated placement," major reason(s) for the assignment, and the signature of the principal who made the placement.

It is the philosophy of the Cape Henlopen School District that in most instances the needs of the student are better met by horizontal acceleration. In only the most unusual circumstances will vertical acceleration be considered.
### GRADES 9-12 CLASSIFICATIONS

Students will be assigned to a specific grade level homeroom on the basis of the following guidelines:

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Credit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freshman</td>
<td>Successful completion of required grade 8 courses for promotion</td>
</tr>
<tr>
<td>Sophomore</td>
<td>Have earned at least five (5) credits including: One (1) credit in English; one (1) credit in Mathematics; one (1) credit in Science or Social Studies;</td>
</tr>
<tr>
<td>Junior</td>
<td>Have earned at least eleven (11) credits including: Two (2) credits in English; two (2) credits in Mathematics; one (1) credit in Science; one (1) credit in Social Studies;</td>
</tr>
<tr>
<td>Senior</td>
<td>Have earned at least sixteen (16) credits including: Three (3) credits in English; three (3) credits in Mathematics; two (2) credits in Science; two (2) credits in Social Studies; one (1) credit in a World Language.</td>
</tr>
</tbody>
</table>

For the Class of 2017 and Beyond

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Credit Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freshman</td>
<td>Successful completion of required grade 8 courses for promotion</td>
</tr>
<tr>
<td>Sophomore</td>
<td>Have earned at least six (6) credits including: One (1) credit in English; one (1) credit in Mathematics; one (1) credit in Science; one (1) credit in Social Studies;</td>
</tr>
<tr>
<td>Junior</td>
<td>Have earned at least thirteen (13) credits including: Two (2) credits in English; two (2) credits in Mathematics; two (2) credits in Science; two (2) credits in Social Studies; one (1) credit in World Language; one (1) credit in Career Pathway;</td>
</tr>
<tr>
<td>Senior</td>
<td>Have earned at least twenty (20) credits including: Three (3) credits in English; three (3) credits in Mathematics; three (3) credits in Science; three (3) credits in Social Studies; one (1) credit in a World Language; two (2) credits in Career Pathway.</td>
</tr>
</tbody>
</table>
Each school shall maintain a cumulative case history of each pupil in the school from the time that the pupil is enrolled so that counseling and guidance of each pupil may be as effective as possible.
A diploma shall be granted to each student who satisfactorily completes an approved program of studies. Requirements for all students shall comply with the provisions of the State Department of Education and those requirements established by the Board of Education of the Cape Henlopen School District.

GRADUATION REQUIREMENTS

1. A student qualifies for a diploma when s/he meets the state and local requirements through an approved course of study, without necessarily needing to complete four years of high school.

2. A student may enroll in post-secondary courses and use equivalent post-secondary credits to meet the requirements for high school graduation. The student may then receive the high school diploma when his or her high school class graduates. Credit for this early admission to college requires approval by the Department of Education and principal.

3. Students may earn credits toward graduation by approved work outside the established curriculum, including independent study, correspondence courses, work experiences, or community service, as approved by the school and principal.

4. All students must meet the following requirements to participate in commencement exercises.
   A. Completion of course and credit requirements established by the state.
   B. Completion of course and credit requirements established by the Cape Henlopen School District.
   C. Good disciplinarily standing.

5. Non-diploma track special education students may participate in commencement exercises provided they meet requirement 4.C above.
High School & Middle School Student Code of Conduct

K-5 Elementary Student Code of Conduct
STUDENTS RIGHTS AND RESPONSIBILITIES

The Student Code of Conduct is an official policy of the Cape Henlopen School District Board of Education, adopted September 1, 1994. The Board of Education expects that this Code will be subject to ongoing review and revision in response to:

- Administrative, staff, students, and parents suggestions
- Legal interpretation
- Annual review
- Current conditions
# High School & Middle School Code of Conduct

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CHAPTER I
INTRODUCTION

The Cape Henlopen School District, hereafter referred to as the District, is dedicated to developing each student’s potential for learning. To achieve this, students, parents and school staff must share the responsibility for encouraging orderly and constructive student behavior.

The Cape Henlopen Board of Education, hereafter referred to as the Board, believes that each student in the District should be afforded the best opportunities possible to develop that student’s potential for learning. In order to assure the appropriate learning experience, the Board believes that a safe, orderly, and constructive environment must be maintained in our schools. To this end, conduct that is disruptive of the educational process, disrespectful of the rights and dignity of others, or harmful to the welfare and safety of others will not be tolerated. The following information is presented as a guide in order to continue to promote a positive environment for the continued and enhanced promotion of positive environments for the education and self-esteem of all members of the educational community.

Student Citizenship: Since the establishment of the public school system in the United States, our courts have interpreted education to be a state function, with the aim of promoting the state’s total welfare and not merely the welfare of each individual. The public school provides the opportunity for the child to receive a free education, which is not of a charitable nature.

The Board, in the support of public education, considers the behavior of students attending public school a reflection of the standards of good citizenship demanded of members in a democratic society. Assuming responsibility of one’s actions is one of the ultimate goals of education.

The Board, in agreement with the courts, believes also that while the opportunity for education is a right of American youth, education itself is not an absolute right. It is qualified first by eligibility requirements and secondly by performance requirements. With regard to performance requirements, the courts speak of education as a limited right or privilege; that is, should the student fail to meet the required responsibilities of attendance in public school, the student may, as a last resort, be excluded from the school. Therefore, the Board has developed the following policy statements:

1. Students in the Cape Henlopen School District shall respect constituted authority.
2. Citizenship in a democracy requires respect for the rights of others. Student conduct shall reflect consideration for the rights and privileges of others and demands cooperation with all members of the school community.
3. High personal standards of appearance, clothing, courtesy, decency, morality, clean language, honesty and wholesome relationships with others shall be maintained. Respect for real and personal property, pride in one’s work and achievement within one’s ability shall be expected of all students. Every student who gives evidence of a sincere desire to receive an education, to be diligent in studies and to profit by the educational experiences provided will be given every opportunity to do so and will be assisted in every way possible to achieve scholastic success.

DISCIPLINE POLICY

The opportunity for education is the right of all students in our District, but education itself is a right gained only by those responsible citizens whose behavior and attitudes enable them to derive the very most from their public school years. An ultimate goal of education should be the responsibility for one’s own actions. Achieving this goal requires the cooperation of students, parents, teachers and administrators. It is hoped that the following discipline procedures will aid each student in developing good citizenship qualities, scholastic success and a high degree of self-discipline.

The purpose of any disciplinary measure should be to modify or change behavior rather than to serve as punishment. In order to attempt to modify behavior, the unacceptable behavior must be identified and communicated to the parties involved.
Certain procedures must be followed to ensure that each student receives the rights of due process, listed below;

1. notice of the conduct which is required of or prohibited;
2. an explanation of the specific evidence giving rise to any proposed penalties or discipline;
3. opportunity to express or convey his/her views or rebuttals regarding the incident;
4. decisions based on the incidents or matters about which the student has been apprised as indicated above.

Special attention to the orientation of all parties involved will be given so that this policy will be completely understood. Orientation for students and staff will be at the beginning of each school year and student handbooks will contain this policy. An inservice program will be held during the year to brief staff on the discipline policy.

**WHAT IS THE STUDENT CODE OF CONDUCT?**

The Code is an official policy of the Board. It applies to all students. It is based on the premise that the primary goals in discipline are improving behavior and protecting the welfare of all students.

Students, parents and staff are encouraged to become familiar with this document, in its entirety, which addresses:

- The rights and responsibilities of students.
- The attendance policy.
- Conduct that disrupts a positive environment.
- Procedures for disciplinary action.

**WHEN IS THE CODE IN FORCE?**

The Code is in force:

- On school property, the bus stop and on the school bus at all times.
- At all activities where school personnel have jurisdiction over students.
- Out-of-school if the student’s conduct demonstrates a propensity to disregard the health, safety or welfare of others.

The Principal or designee is authorized to take administrative action when a student’s misconduct to and from school, at school or out-of-school, is harmful to other students, to staff or to the orderly execution of the education function.

**WHAT IS A GOOD SCHOOL ENVIRONMENT?**

The Board believes that all persons are entitled to a safe and orderly school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts violence. A positive school environment requires and where understanding and tolerance, if not appreciation, of individual differences. A good school environment is built upon mutual respect, positive attitudes and outlooks, fair and consistent policies and procedures, and a commitment to personal and professional growth and development. Its atmosphere friendly, yet business-like, and one which fosters cooperation between students and school personnel as they work toward recognized and acceptable goals. It is relatively free form distractions and is conducive learning and preparing for a productive life in our society. This Code of Conduct been adopted as part of the District’s efforts to foster such a learning environment in accordance with state and federal law.
STUDENT EXPECTATIONS

Students are expected to:

- Conduct themselves in an orderly, safe and responsible manner.
- Attend all classes daily and on time.
- Be prepared for class assignments and activities, with appropriate working materials.
- Respect other people and their property.
- Refrain from abusive language and defamatory, inflammatory, and demeaning actions.
- Be clean and neatly dressed.
- Be responsible for individual assignments, those completed in school and out of school.
- Show respect for all adults, irrespective of their assignments within the building (e.g. volunteers, parents, custodians, paraprofessionals, teachers, administrators).
- Abide by rules and regulations of the school and individual classroom teachers.
- Accept, understand, and respect diversity and differences among fellow students and staff.
- Express feelings and needs in constructive, socially appropriate ways.
- Resolve differences through acceptable, peaceful methods such as dialogue, compromise and arbitration.

STUDENT DRESS – BE ATTRACTIVE, NOT DISTRACTIVE

It is not the purpose of the Cape Henlopen secondary school to have every student conform to a set pattern of life or to make all individuals conform to a particular style or pattern of dress. However, it is reasonable to require students to follow a modified dress code for the purpose of promoting safety, proper decorum, and respect for the values of one another. Students should use the following guidelines when deciding what to wear to school, unless otherwise required by religious beliefs.

1. Both male and female students may wear shorts to school. Bathing Suits are not permitted. Shorts must be no more than 4 inches above the knee. Skirts must also be no more than 4 inches above the knee.
2. No bare midriff clothing is permitted. The bottom of the top garment and the top of the bottom garment must overlap or the top garment must be worn tucked inside.
3. Students must wear appropriate footwear at all times, because of the potential for accidents on the stairs, in the hallways and on the school bus; shoes should be tied at all times and flip flop type footwear is not recommended.
4. No items (clothing, shirts, hats, buttons, pins, jewelry) which contain obscene or vulgar language or have pictures depicting same, or refer directly or indirectly to narcotics, alcoholic beverages, or are sexually suggestive are acceptable in the District schools. This includes any derogatory or offensive pictures or language.
5. Tank tops or clothing resembling men’s sleeveless underwear is not acceptable, nor is clothing which has been ripped, frayed, or torn.
6. Hats or other types of headgear are not to be worn inside the building during regular school hours by either males or females.
7. Sunglasses are not to be worn in school.
8. Undergarments must not to be visible at any time.
9. Low cut blouses, spaghetti straps, sheer shirts, fish net shirts, and any other revealing garments are not permitted. Straps must be at least 2 inches wide.
10. Pajamas and bedroom slippers are prohibited.
11. Sagging pants are prohibited. It is recommended that students wear belts.
Inappropriate student dress will be determined by the administration. Students wearing clothing that is not in compliance with the above guidelines will be referred to the building Principal or to the Principal’s representative. If considered necessary by school authorities, parents will be notified to bring in appropriate clothing. If parents cannot be reached, the student may be removed from class and detained until the end of the day.

**SCHOOL DRIVING PRIVILEGES**

Driving to school and parking on school property is a privilege extended to the student body by the Board. Any student who drives or parks a vehicle on school grounds shall register that vehicle with the school. The registration number must be displayed every day in the front window of the car.

Students should follow the rules for driving/parking cars on school grounds as follows:

1. Register all vehicles with the office. The tag must be displayed.
2. Park in student parking areas only.
3. Obey 15 mph speed limit.
4. Operate the vehicle in a safe manner.
5. Upon arrival to school, student drivers and riders shall go directly into the building.
6. Once on school grounds, students may not drive off the property without administrative approval.
7. Administrative approval is required for students to be in the parking lot areas when school is in session as they are unauthorized areas for students during the school day.
8. Students who drive or ride to school shall be on time.
9. Only legally licensed drivers may drive/park on school grounds.

Students who disobey these rules may have their school driving/parking privileges suspended or revoked. Students who have unregistered vehicles, suspended or revoked driving privileges, or who park in unauthorized or other unassigned spaces may have the vehicle towed at owner expense.

**CHAPTER II**

**STUDENT GOVERNMENT, FREE SPEECH, PUBLICATIONS AND SEARCH AND SEIZURE**

The Principal of each school has the responsibility and authority to maintain an orderly school. The Board guarantees students the freedoms provided by law, consistent with protecting the due process rights, health, safety and welfare of students and staff. The Board recognizes and supports students’ rights and corresponding responsibilities.

**STUDENT GOVERNMENT**

Student government is a means for providing students with an opportunity to express themselves and to act on school matters through democratic processes. All members of the school community share the responsibility for helping the student government. Students shall be given the opportunity to contribute to the making of decisions that affect the climate of the school. District and school policies shall be available for student governments.

Students have the right:

- To form and operate a student government within each school under the direction of a faculty advisor. This right shall be exercised consistent with the District’s applicable rules and regulations.
- To recommend members of the faculty to serve as sponsors for their school’s governmental organization.
- To seek office in student government regardless of race, sex, creed, or political beliefs.
Students have the responsibility:

- To work on the needs of the student body in cooperation with assigned staff members.
- To get prior consent of recommended faculty members before announcing plans or programs.
- To conduct election campaigns in a positive manner, respecting the rights of other candidates.

**FREE SPEECH AND EXPRESSION**

One of the basic purposes of school is to prepare students for responsible self-expression as guaranteed by the U.S. Constitution. Self-expression must not be obscene, libelous or disruptive to the educational process.

Students have the right:

- To participate in patriotic activities. Students shall also have the right to be excused from any school activity that is against their religious beliefs or deep personal convictions.
- To express individual opinions.
- To assemble peacefully on school property at a time and place approved by the Principal.

Students have the responsibility:

- To act in an appropriate manner during all school activities. Students [and their parent(s)] should inform the Principal in writing if certain activities conflict with their religious beliefs or deep personal convictions.
- To be well informed about issues and to express their opinions in a reasonable manner at a reasonable place and time.
- To assemble peacefully without endangering the health and safety of others, without damaging property and without disrupting the activities of others.

**PUBLICATIONS**

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

Principals and/or their designees may exercise editorial control over the treatment of sensitive or controversial issues and will suppress or recall literature which they consider primarily commercial or which could disrupt the orderly operation of the school.

Students have the right:

- To possess, post, and distribute literature which will not disrupt the school program and which adheres to District guidelines.
- To be free from censorship of their publications, unless information contained therein violate the limitations imposed by District guidelines.

Students have the responsibility:

- To use only bulletin boards or wall areas assigned for use by students and student organizations.
- To refrain from publishing libelous and obscene materials;
- To have approval of all the information on topics about which they write;
- To observe acceptable standards of good taste;
- To observe the normal rules for responsible journalism.
SCHOOL LOCKER POLICY

School lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers which are provided for the convenience of its students. Periodic general or random inspections of lockers may be conducted by school authorities for any reason at any time, with or without reasonable suspicion of the commission of a crime or a school disciplinary infraction. Locker searches may be conducted by school authorities at any time, without notice, without student consent, and without a search warrant provided that during any such search an administrative employee of the District will be present to witness the search. The Board authorizes administrative employees of the District to conduct locker searches with or without the involvement of the Delaware State Police. In the event a locker search reveals that a student’s locker contains items which are prohibited under the Student Disciplinary Code or under Delaware State law, appropriate disciplinary procedures shall be initiated against the student; and in situations where the items discovered are in violation of State law, the Delaware State Police shall be notified.

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure. This right is balanced by the school’s responsibility to protect the health, safety and welfare of others. Student lockers are school property; therefore, school authorities have the right to search lockers at any time. Vehicles driven on school property are subject to search by school authorities under condition of reasonable suspicion.

The District presumes a student possesses, and is therefore responsible for, all items in the student’s locker, book bag, purse, or similar bag or container used to carry books or personal property. Students should regularly check the contents of personal storage containers. Failure to secure your lockers, book bags, book packs, purses, instrument cases, and other containers does not exempt students from the responsibility or provide others access to them, you remain responsible for any items found inside of them.

The District presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle or other conveyance. This presumption applies to any vehicle you drive to school without regard to who owns the vehicle. Before bringing a vehicle to school, or a school activity, the student should carefully inspect the vehicle. Failure to lock the vehicle, or permit others access to it, does not exempt from the responsibility for all items found in the vehicle.

Students have the right:

- To privacy regarding their personal possessions, including motor vehicles, unless the Principal or the Principal’s designee has reasonable suspicion of a student’s use, possession or distribution of alcohol, drugs, drug-like substances, look-alike substances, drug paraphernalia or other prohibited items. This “invasion” of student privacy also applies if there is suspicion or of a student’s unauthorized possession of other items, which include but are not limited to: weapons, stolen property, or dangerous instruments in the school environment.

Students have the responsibility:

- To exercise caution with respect to what they bring to school
- To refrain from bringing to school, either in plain view or concealed, any materials which are illegal, disruptive, dangerous, or offensive to others.
CHAPTER III
ATTENDANCE

See Board Policy 204

CHAPTER IV
VIOLATIONS OF THE STUDENT CODE OF CONDUCT

This chapter of the Code defines specific acts which constitute violations of expected student behavior. These violations are examples of those acts which disrupt the school environment and the instructional process, or demonstrate that the student presents a threat to the safety and welfare of other students and staff.

NOTE: A teacher or administrator may, at any time required by circumstances, use the reasonable force needed to restrain or control an unruly or rebellious student.

The purpose of this chapter is to provide school personnel, parents, students and the community with a clear understanding of these violations and the resulting range of disciplinary actions. It is anticipated that students’ familiarity with the violations and disciplinary measures will encourage positive behavior.

The Code permits administrators and teachers to select from a list of recommended and optional actions or remedies for certain violations. In such cases, the severity and frequency of the misbehavior shall be considered in selecting appropriate disciplinary action. Specific disciplinary actions are required for other certain violations.

The Principal or the Principal’s designee shall conduct a reasonable investigation to ascertain whether the charged offense has in fact occurred and to establish facts which may influence the selection of disciplinary action.

CORPORAL PUNISHMENT

The Board of Education believes that the primary purposes of student discipline are to maintain a classroom atmosphere conducive to learning by all students and to teach students the responsibility and rewards of self-discipline. Students must know the limits of acceptable and unacceptable behavior or actions.

Effective discipline is positive rather than negative in nature. Reinforcing proper attitudes and behavior is preferable to punishing inappropriate behaviors. Good discipline should always be fair, dignified, and in good temper.

The use of corporal punishment is counterproductive. For purposes of this policy section, corporal punishment means the willful infliction of, willfully causing the infliction of, or willfully allowing the infliction of physical pain on a student. Corporal punishment includes but is not limited to the use of a paddle or stick on a student, blows to the head, hair-pulling, limb-twisting, slapping, shoving, or any other action which seeks to induce bodily pain. No Cape Henlopen School District employee may inflict or cause to be inflicted corporal punishment on a student.

This subsection of the discipline policy does not prohibit an official or professional employee of the Cape Henlopen School District from:

1. using reasonable and necessary physical contact to quell a disturbance or prevent an act that threatens physical injury to any other person.

2. using reasonable and necessary physical contact to obtain possession of a weapon, other dangerous object, controlled substance, or drug paraphernalia within a student's control.

3. using reasonable and necessary physical contact for the purpose of self-defense or the defense of others.

4. using reasonable and necessary physical contact for the purpose of protecting public school property.

5. using reasonable and necessary physical contact for the purpose of removing a disruptive student from school premises or motor vehicle or from school-sponsored activities.

6. using reasonable and necessary physical contact to prevent a student from inflicting harm on himself or herself.
High School & Middle School Code of Conduct

7. using reasonable and necessary physical contact to protect the safety of others.

8. using incidental, minor, or reasonable physical contact to maintain order and control.

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

This policy will be reviewed yearly at the beginning of school by each school staff.

VIOLATIONS AND DISCIPLINARY ACTIONS

The glossary located at the back of the booklet is not all inclusive. A student committing an act of misconduct which is not listed may be subject to disciplinary action. Specifically, if a student commits an act which constitutes a crime under Delaware law, such a student is subject to discipline which may include expulsion in an appropriate case. Criminal activity outside the school environment can also be cause for disciplinary action by the school District against a student, if the behavior (criminal activity) could reasonably pose a threat to the orderly functioning of the educational process or a danger to the health, safety, and welfare of other students, employees, or school District property.

In a situation involving unique or severe offenses which pose a threat to the orderly functioning of the educational process or which pose a danger to the health, safety, and welfare of other students, employees, or school District property, the building Principal shall refer the matter directly to the Superintendent or his/her designee. The purpose of the recommendation is for the immediate consideration of the possibility of making a recommendation for alternative educational placement and/or expulsion from school, and that the matter be referred to the Board with a recommendation.

If there are required disciplinary actions for a violation, such discipline shall be imposed. In addition to the required disciplinary actions, approved optional disciplinary actions may be imposed by the school Principal following a conclusion that those additional consequences are warranted.

If there are recommended disciplinary actions for a violation, such discipline will be imposed unless there is a compelling reason to do otherwise. In such cases, one or more of the optional disciplinary actions listed for the violation will be imposed.

NOTE: Disciplinary action is required if a threat or attempt to do bodily harm is directed at school personnel or person(s) acting in an official capacity of the school (parent chaperones, volunteers, etc.).

COMBINATION OF OFFENSES

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

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

MANDATORY SCHOOL CRIME REPORTING LAW

A mandatory reporting process through which certain crimes committed by students on school property, including buses, fieldtrips, sports events and any school function within the State of Delaware must be reported to the police and when applicable to DOE (Department of Education).

The following require mandatory reports to police:

- violent felonies (all violent felonies that occur against students, school employees, and school volunteers must be reported)
- assault against a student, school employee or volunteer
• terroristic threatening against a school employee or volunteer
• offensive touching against a school employee or volunteer
• unlawful sexual contact against a student, school employee or volunteer
• possession of a dangerous instrument or deadly weapon by a student
• possession of an unlawful controlled substance including: prescription drugs, counterfeit drugs
• other crimes as listed in Delaware Code, Title 14, Section 4112.

In addition to these school crimes required to be reported pursuant to statute, the superintendent or designee shall report to the Department of Education.

The following require mandatory report to Department of Education:

• sexual harassment
• offensive touching (nonemployee or school volunteer)
• possession of pornography
• bomb threats
• criminal mischief (vandalism)
• tampering with public records
• possession and/or use of alcohol
• possession and/or use of deadly weapons, destructive weapons, dangerous instruments, incendiary devices or controlled substances
• felony theft ($1,000.00 or more)
• disorderly conduct/fighting
• terroristic threatening (nonemployee or school volunteer)
• bullying
### DISCIPLINARY MATRIX AND CONSEQUENCES

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<td>Assault</td>
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<td>Recklessly or intentionally physically injuring another person.</td>
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<td>Breaking and Entering</td>
<td>A-E</td>
<td>A-E</td>
<td>A-E</td>
<td>A-E</td>
<td>The illegal and unauthorized entry into school district buildings or vehicles.</td>
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<tr>
<td>Bullying (See Board Policy)</td>
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<td>C-G</td>
<td>D-G</td>
<td>E-G</td>
<td>Repeated, intentional, written, electronic, verbal or physical act or actions against another person, which directly or indirectly causes physical injury, mental injury or discomfort.</td>
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<tr>
<td>Cheating including Plagiarism</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>To be dishonest or deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving or receiving answers, test questions, work results, projects or writings from another person and pass them off as one's own.</td>
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<td>Communication Devices</td>
<td>A-C</td>
<td>B-C</td>
<td>B-C</td>
<td>B-C</td>
<td>Included but not limited to: electronic pagers, cell phones, and any other electronic signaling devices.</td>
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<td>Criminal Mischief</td>
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<td>F</td>
<td>F</td>
<td>Intentionally recklessly damaging or tampering with the property of another.</td>
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<tr>
<td>Defamatory or Demeaning Remarks</td>
<td>A-C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Actions or remarks, spoken or written by students that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, mental status, physical or mental disability, political or religious beliefs, family, sexual orientation, social or cultural background.</td>
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<tr>
<td>Disorderly Conduct</td>
<td>C</td>
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<td>E-G</td>
<td>G</td>
<td>An offense involving disturbance of the public peace and decency.</td>
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<td>Disrespect including Insubordination</td>
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<td>C</td>
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<td>D/E-G</td>
<td>Refusal to comply with a reasonable request from any adult.</td>
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<tr>
<td>Disruption</td>
<td>A-C</td>
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<td>C</td>
<td>C</td>
<td>Behavior causing distractions, friction, or disturbances seriously or repeatedly interfering with: a teacher’s ability to provide instruction; a school activity; maintaining order on a bus, in hallways, or common areas.</td>
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<td>Dress Code Violation</td>
<td>A-C</td>
<td>C</td>
<td>C</td>
<td>D/E-G</td>
<td>A direct violation of the set of rules which indicates the approved manner of dress.</td>
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<td>Drug/Alcohol Use, Possession of Drugs, Drug Paraphernalia, Alcohol, or look alike</td>
<td>D-G</td>
<td>E-G</td>
<td>E-G</td>
<td>E-G</td>
<td>Equipment, product, or material (defined in Section 4701 of Title 16 of the Delaware Code) that is modified for making, using, or concealing illegal drugs. Any non-controlled 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. Shall mean the transfer or attempted transfer of alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.</td>
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<tr>
<td>Distribution of Drugs/Alcohol</td>
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<td>E-G</td>
<td>E-G</td>
<td>E-G</td>
<td>The only substance that is acceptable is clear water in a clear bottle.</td>
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<td>Eating/Drinking Outside the Cafeteria</td>
<td>A-C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Obtaining or attempting to obtain money, goods or information from another source by force or threat of force.</td>
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<td>Extortion</td>
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<td>Intentional untrue warning signal.</td>
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<td>False Alarm/Bomb Threat</td>
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<td>Taking part in a physical struggle, unruly or turbulent behavior.</td>
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<td>Fighting</td>
<td>D-G</td>
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<td>Falsely or fraudulently signing or altering a document for the purpose of deception or fraud such as a hall pass, progress report, or absence excuse.</td>
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<td>Forgery</td>
<td>C</td>
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<td>E-G</td>
<td>E-G</td>
<td>Participation in games of chance for money or other things of value on school property or at school sponsored events.</td>
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<td>Gambling</td>
<td>B</td>
<td>C</td>
<td>C</td>
<td>E-G</td>
<td>Three (3) or more people committing at least one criminal act who may share common identities.</td>
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<td>Gang Like Behavior (See Board Policy)</td>
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<td>See Anti-Hazing/Hazing Board Policy Section.</td>
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<td>Loitering including Out of Assigned Area</td>
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<td>C</td>
<td>A student's unauthorized presence in a school area.</td>
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<td>Misuse of Technology</td>
<td>A-C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Accessing, printing, or distributing inappropriate materials. This may include but not be limited to using cell phone, video or any means of inappropriate postings that are related to the disruption of the educational process.</td>
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<td>Intentionally aggressive, insulting, or obnoxious bodily contact with another. Police Contact.</td>
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<tr>
<td>Offensive Touching - Student Victim</td>
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<td>Intentionally aggressive, insulting, or obnoxious bodily contact with another. Police Contact.</td>
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<td>Open Display of Affection</td>
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<td>C-E</td>
<td>Hugging, kissing, or open sexual display.</td>
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<td>Pornography (possession and/or production)</td>
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<td>C-F</td>
<td>C-F</td>
<td>C-F</td>
<td>Sexually explicit pictures, writing, or other materials whose primary purpose is to cause sexual arousal, the presentation or production of this material and/or lurid or sensational material.</td>
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<td>Susp out of school until student hearing to determine expulsion</td>
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<tr>
<td>C</td>
<td>1 – 10 days Suspension (in school, out of school, after school detention, or loss of bus privileges)</td>
<td>G</td>
<td>Police Contact (arrest if appropriate)</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>5 days Out of School Suspension</td>
<td>H</td>
<td>Restitution</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Loss of Driving Privileges</td>
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<td></td>
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</tr>
</tbody>
</table>

1. Students must make restitution for repairs or replacement of damaged or stolen property.
2. Students who are suspended will be restricted from participating in a variety of activities.
3. Many of the offenses listed above are also violation of Delaware State laws and are subject to prosecution.
4. The corrective actions listed above will normally be used for each offense. Other alternatives may be used in place of, or in addition to, the specific one(s) listed above, should circumstances warrant or the student require accommodations. Flagrant infractions will result in more severe consequences.
5. A counseling component may be added to any consequence as determined by appropriate staff.
6. Special needs students may require a Functional Behavior Analysis.
CHAPTER V
SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS

DUE PROCESS
Prior to any disciplinary response being put in place, the student shall be afforded due process to include:

1. Be given oral and written notice of the alleged offense and, if the offense is denied, be given an explanation of the evidence known to school authorities.
2. Be given the opportunity to present the student’s side of the story. Students have the right to submit a statement in writing concerning any incident requiring discipline action, but are not required to do so. Reasonable efforts will be made to notify parents/guardians of students making written statements.
3. Have had prior opportunity to know that the alleged offense was in violation of established rules and regulations.
4. In cases of suspension, be advised that the disciplinary response may be appealed by students 18 years of age or older and/or parents to the next administrative level, District Office, or State Board of Education (SBE)

SBE appeals must be based on a written decision by the local school district board of education and will only be heard for suspensions of more than ten (10) days or offense expungement from a student’s educational record.

STUDENT APPEAL
A student appeal may be presented when a student or the student’s parent believes that the student has been treated unfairly. A student appeal must be submitted to the building Principal within ten school days from the date of the alleged infraction.

An appeal may be presented by a student or a student’s parent(s)/guardian(s). An appeal may involve the treatment of a student or it may relate to the treatment of a group of students.

Students shall not be disciplined pending the outcome of the appeal, except students whose presence poses a continuing danger to persons or property or is an ongoing threat of disrupting the educational process will be suspended pending the outcome of the appeal. If an initial ruling to suspend is overturned via the appeal process, the student’s discipline record will be expunged of the incident. No academic penalty will have ensured by virtue of the suspension because a suspended student is allowed, and expected, to complete the work missed during the term of the suspension.

STUDENT APPEAL PROCEDURE
When the appeal procedure is used for a disciplinary action, the student shall follow the steps outlined below starting with Step 3. The conference indicated in Step 3 refers to the conference held between the student and disciplinarian in which a consequence for a given action has been determined by the disciplinarian.

When the appeal procedure is used for something other than a disciplinary action, the following steps shall be pursued in the sequence set forth below:

1. The student, whenever possible, shall request a conference with the teacher or person(s) who allegedly treated the student unfairly. It is understood that there are occasional sensitive situations where discussions may begin with level two of this process. If the student’s concern is with the Principal, this process may begin at level four.
2. If the conference does not resolve the complaint, the student may talk with any of the following: the department chairperson, a guidance counselor, a home/school liaison, school psychologist, or an Assistant Principal about resolving the complaint.

3. If the conferences fail to resolve the complaint, the student may file a written appeal with the Principal within five (5) school days of the conference.

4. If the Principal fails to resolve the complaint, the student shall, upon request, be given a written statement by the Principal stating the reason(s) for the decision. The request for the written statement will be made within five (5) school days of receipt of the verbal decision and will be provided to the student within five (5) school days of the date of the request.

The student wishing to appeal the Principal’s decision must file a written appeal with the Superintendent no later than five (5) school days from the date of the Principal’s written decision.

The Superintendent, or a designee, shall schedule a conference to hear the appeal no later than five (5) school days following receipt of the notice of appeal, and shall render a decision, in writing, no later than five (5) days after the appeal conference. The decision of the Superintendent is final.

IN-SCHOOL SUSPENSION

In-School Suspension (ISS) is the temporary removal of a student from the area indicated by the regularly assigned schedule for a full day. Students assigned to in-school suspension will remain in school, but will be assigned to a designated, supervised area within the school.

Students assigned to in-school suspension are not permitted to participate in any extra-curricular activities during the length of their suspension.

A written notice must be mailed home for an ISS within the following day mail delivery after the processing of the suspension. The notification shall state the reason and duration of the suspension. If the suspension is for more than three (3) days, a definite time and date for a conference shall be scheduled at a place designated by the school administrator. The principal/designee is required to hold a conference, to include the parent and child, prior to the readmission of the student.

OUT-OF-SCHOOL SUSPENSION

Suspension is the temporary removal of a pupil from the regular school program for a period not to exceed five (5) school days. The Superintendent or designee, however, may extend a suspension past the five (5)-day period pending a decision on a principal’s recommendation to expel for severe behavior offenses. While serving out-of-school suspension, a student is forbidden from being on the property of the District (this includes athletic fields, District Office, any after-school activities, and/or extracurricular activities) for any reason unless accompanied by a parent or legal guardian to a pre-arranged appointment.

Prior to a suspension from school, the student shall be afforded due process as outlined above.

Prior to a student being suspended, verbal communication of the suspension (parent notice) will be attempted through the listed contact information provided by the parent/guardian. Suspended students should be picked up from school by the parent/guardian when the suspension is assigned. When direct phone communication is not successful, notification regarding the suspension will be left on a voice mail message and/or email, and the student will be retained at school until the end of the school day. A copy of the discipline referral will be sent home with the student.
Generally, the parent notice should precede the student's removal from school. However, if this is not feasible or if the immediate removal of the student from the school is necessary to protect the safety of individuals, property, and/or the educational process, the necessary notice and conference, if requested by a parent, will follow as soon as practical.

A written notice must be mailed home for any Out-of-School Suspension within the following day mail delivery after the processing of the suspension. The notification shall state the reason and duration of the suspension.

After a suspension from school of up to three (3) days, the principal/designee is required to hold an in-person or phone conference prior to the readmission of the student. If the suspension is for three (3) or more days, the principal/designee is required to hold an in-person conference, to include the parent and child, prior to the readmission of the student. A definite time and date for a conference shall be scheduled at a place designated by the school administrator.

**STUDENT HEARING PROCESSES & PROCEDURES**

- **Alternative Placements**
  Assignment to alternative programs is the removal of a student from the regular school program with placement in a program designed to meet the student’s particular needs. Alternative programs may be located at the student’s home school, another district school, or an approved site outside the District. Assignment to an available alternative program will be made according to procedures established for the program and must be approved by the District Alternative Placement Team.

- **School Review Team Conference**
  School Review Team Conference will be set by the school disciplinarian and appropriate school administrators, and notification will be provided to the student's parent and the student. To recommend Alternative Placement, the following criteria must be met:

  1. The meeting will be held in person.
  2. The Principal/Designee will explain the purpose of the meeting is to inform the parent/guardian and student:
     a. of the referral for Alternative Placement;
     b. that the student may be suspended pending the outcome of the Alternative Placement Team Meeting, and;
     c. of the procedures that will take place as follow-up to the referral for Alternative Placement.

- After the school has held a School Review Team Meeting and forwarded all required documentation to the district, Central Team Meeting will be scheduled.

- The Superintendent/Designee shall send written notice within three (3) business days to the parent/guardian describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

**DISTRICT-LEVEL EXPULSION HEARING**

State regulations define expulsion as “…the exclusion of a pupil from school.” Students expelled from any public school (in Delaware or any other state) are not permitted to attend any public school in Delaware during the period of expulsion. When a student commits a violation which may result in a recommendation for expulsion, the following procedures shall be followed:
Step I

1. The student shall be suspended for a minimum of five (5) school days.
2. The principal or designee shall make every effort to investigate all aspects of the discipline problem, including a conference with the student of the charges against him/her and to provide an opportunity to respond and to tell his/her side of the story. If possible, this conference shall be held prior to the student’s suspension.
3. The principal or designee shall complete the investigation within three (3) school days of the incident.
4. If at the completion of the investigation the principal or designee concludes the student committed the offense and the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit the recommendation to the Superintendent. The recommendation must be accompanied by a summary of the principal’s investigation and supported with other documentation attesting to supporting the violation.
5. If the Superintendent or designee does not concur with the recommendation for expulsion, alternative education placement may be issued to the student. The student and parent/guardian will be provided notification of alternative placement of which is not appealable to the Board of Education.
6. If the Superintendent or designee concurs with the recommendation for expulsion, the student’s case will proceed to Step II. In addition, the student’s suspension shall be extended pending a recommendation by the hearing officer as outlined in Step II of the hearing process.

Step II

1. The Superintendent or designee shall promptly (preferably within ten (10) school days from the date of the incident) notify the student and the student’s parent(s)/guardian(s) of the recommendation to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion. For students with disabilities as defined by Federal and State law and regulations, the Superintendent or designee shall, within ten (10) school days from the date of the manifestation meeting, notify the student and the student’s parent(s)/guardian(s) of intent to expel and of the date, time, and location for a formal hearing. The notice of recommendation to expel shall be sent by certified mail, stating the reasons for the expulsion and the time and place of the hearing. In addition, a copy of these procedures and the District Student Success Guide shall accompany the notice.
2. The formal hearing shall be held not less than seven (7) or more than twenty (20) school days promptly after the notice of intent to expel is given. An extension may be granted by agreement of all parties.
3. An impartial hearing officer shall conduct the formal hearing.
4. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The hearing officer, in conducting the hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witnesses shall be sworn by the hearing officer.

The student shall have the following rights:

1. To be represented by counsel, at the student’s expense.
2. To question any witnesses who testify and to receive a copy of any statements or affidavits of such witnesses.
3. To request that any witness appear in person and answer questions or be cross-examined (Student witnesses will not be excused from school or allowed to testify unless their parent(s)/guardian(s) have given written permission prior to the
hearings.). The district will make efforts to arrange the appearance of witnesses requested by the student to the extent the witnesses can offer relevant, non-repetitive testimony.
4. To testify and produce witnesses on his/her behalf.
5. To obtain, at the student’s expense, a copy of the transcript of the formal hearing.

Following the formal hearing, the hearing officer shall prepare a written report summarizing the evidence and stating conclusion of fact. If the hearing officer’s recommendation is not to expel, the Superintendent or designee may issue administrative action/placement of which is not appealable to the Board of Education.

Step III

1. A recommendation by the hearing officer to expel shall be forwarded to the Board of Education.
2. Following a review of the hearing officer’s report, the transcripts, and then exhibits submitted at the hearing, the District Board shall decide whether or not to expel the student at the next scheduled District Board meeting. The duration of an expulsion is within the discretion of the District Board based upon the circumstances of each case.
3. During the period of time of the suspension pending the Board of Education decision, the student is eligible to receive work from his/her classes to be completed for credit.

Step IV

1. The parent/guardian of an expelled student may apply for the student’s readmission at the end of the expulsion period and must provide verification that all conditions for readmission have been met.
2. A student is prohibited from being on Cape Henlopen School District property or at any district event regardless of location during the expulsion period except when accompanied by a parent or guardian for a scheduled appointment with school officials.

- Notification of Expulsion to Division of Motor Vehicles
In any case where a student is expelled from the District, the Superintendent or designee shall send written notice of the expulsion to Division of Motor Vehicles. Under Delaware law, such notice serves as sufficient authority for the Division of Motor Vehicles to suspend or refuse to renew any driver’s license already issued to the expelled student, or to refuse to issue a license to the expelled student. An expelled student whose license has been suspended may have the license reinstated or a new license issued if (a) the length of the expulsion is complete; (b) the expelled student is 19 years of age or older; (c) two years have elapsed since the date of the expulsion. Expelled students and their parents and/or guardians should refer to Title 14 of the Delaware Code, section 4130.

**STUDENTS WITH DISABILITIES**

The Student Success Guide applies to all students. However, when enforcing the Guide, the district will comply with federal and state law pertaining to students with disabilities.

1. If a student with a disability, as defined by Federal and State law and regulations, is recommended for removal for more than ten (10) school days, either consecutively or cumulatively, in any one school year, or if expulsion is being recommended, a meeting of the student’s IEP team shall be conducted.
2. The student’s IEP team will consider whether the offense was a manifestation of the student’s disability.

3. If the IEP team determines the offense was a manifestation of the student’s disability, the IEP team shall modify the student’s educational program and/or placement accordingly.

4. If the IEP team determines that the offense is not a manifestation of the student’s disability, the student will be subject to the provisions of the Student Success Guide and disciplined accordingly.

5. In instances where the student with a disability presents a danger to him/her or others, or is as disruptive to the educational environment as to interfere with the rights of other students, emergency placement and/or removal may be sought by the District, including homebound instruction.

6. Students with disabilities and their parents and/or guardian should also refer to the Administrative Manual for Special Education Services available through the Delaware Department of Education.

CONDUCT OF STUDENTS OUT OF SCHOOL

The student discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of others. Such out-of-school conduct shall include, but is not limited to:

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

The Superintendent is notified by the Attorney General’s office and/or law enforcement authorities whenever a student is arrested for committing a misdemeanor or a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be reviewed. The District may take disciplinary action as outlined above. The District will not wait for adjudication of said misdemeanor or felony to proceed with alternative placement or expulsion procedures. A finding of “not guilty”, nolle proseque or dismissal of charges is not binding on the school district.

It is in the interest of the student concerned that there is a review of the case and that there is a means to assist in exploring educational options if needed. The review shall occur in accordance with the safeguards and consequences in the student codes of conduct. Please refer to the appropriate code of conduct for additional information including due process rights and possible options which may include alternative placement, suspension, and/or expulsion.

Students who are of school age, living within the District, and who are currently withdrawn from school will be subject to the provisions of this policy.

CHAPTER VI

DRUG AND ALCOHOL POLICY

I. The following policy on the Possession, Use, or Distribution of Drugs and Alcohol shall apply to all schools/programs:

A. The possession, use, and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, and/or drug paraphernalia are wrong and harmful to students and are prohibited within the school environment.

B. Student lockers are the property of the school and may be subjected to search at any time with or without suspicion.

C. Student motor vehicle use to, and in, 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. Reasonable suspicion of a student’s use, possession, or distribution of alcohol, a drug, a drug-like substance, a look-alike substance or drug paraphernalia, or of a student's use of an electronic communication device during the school day may result in the student being asked to open an
automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on 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.

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

E. All alcohol, drugs, drug-like substances, look-alike substances, and/or drug paraphernalia found in a student’s possession shall be turned over to the Principal or Designee. All substances shall be sealed and documented and, in the case of substances covered by Title 16 Delaware Code Ch. 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate. All communication devices shall be confiscated and turned over to the Principal or Designee who will bag, seal, and document the device as potential evidence for the police. If the police do not want to keep it as evidence, the Principal/Designee shall either donate the device to the State or local police or destroy the device within 45 days after the informal hearing. In rare instances, donation or destruction may not be warranted; in such cases, the Superintendent of the District shall notify the State Board of Education in writing of the circumstances of the disposition of the device.
II. The following definitions shall apply to this policy:

A. “Alcohol” shall mean alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine and beer.

B. “Distribute,” “distributing,” or “distribution” shall mean the transfer or attempted transfer of alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.

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

D. “Drug paraphernalia” shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons, and containers for packaging drugs.

E. “Drug-like substance” shall mean any non-controlled and/or nonprescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over-the-counter cough medicines, certain types of glue, and caffeine pills.

F. “Expulsion” shall mean exclusion from school.

G. “Look-alike substance” shall mean any non-controlled 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 non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See Title 16 Delaware Code Sec. 4752A.

H. “Nonprescription medication” shall mean any over-the-counter medication; some of these medications may be a “drug-like substance.”

I. “Prescription drugs” shall mean any substance obtained directly from, or pursuant to, a valid prescription or order of a practitioner, as defined in Title 16 Delaware Code Section 4701 (24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.

J. “Possess,” “possessing,” or “possession” shall mean that a student has on the student’s person, in the student’s belongings, or under the student’s reasonable control by placement of and knowledge of the whereabouts of, alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia.

K. “School environment” shall mean within or on school property and/or at school buses, at functions held on school grounds, at extracurricular activities held on and off school grounds, on field trips, and at functions held at the school in the evening.

L. “Use” shall mean that a student is reasonably known to have ingested, smoked, or otherwise assimilated alcohol, a drug or a drug-like substance, or is reasonably found to be under the influence of such a substance.

III. The following regulations shall apply to this policy:

A. Each year all students shall receive an updated Student Handbook that contains the state and district drug and alcohol policies and regulations to be shared with their parents.

B. The state and district policies shall apply to all students except that with respect to students with disabilities, federal and state law will be followed. A determination of whether the violation of the drug and alcohol policy was due to the student’s disability will be made prior to any discipline or change of placement in connection with the policy.
C. Staff members will report incidents to the Dean of Students/Principal Designee who will verify the identity of the student and the probable cause that a policy violation has been committed. The Dean of Students/Principal Designee where required will report the incident to the police and will file a report to be sent to the Department of Education. Parents will be notified as quickly as possible via the telephone. If telephone contact cannot be made, a letter will be sent home. Records will be maintained in a separate discipline file, and confidentiality will be followed. Names and details of any particular incident will be revealed only to those staff persons who are required to know the specific information.

D. Any physical evidence of a policy violation will be submitted to the Dean of Students/Principal Designee. The Dean of Students/Designee will document the date, time, and description of the evidence and the name(s) of the student(s) involved. Evidence will be locked in a secure area determined by the Dean of Students/Designee and submitted to the police upon their arrival.

E. General searches of the property of a student may be conducted by the Dean of Students/Principal Designee at any time upon reasonable suspicion.

F. All prescription and over-the-counter non-prescription drugs shall be presented to the school nurse upon entering the school building. The nurse will be responsible for dispensing those drugs to the students until they leave at the end of the school day. Any of these drugs not submitted to the school nurse will be considered in violation of this policy. When necessary, individual students may be permitted to carry a prescription drug after submitting written notification from a physician and obtaining approval from the Principal/Designee.

G. The discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of others. Such out-of-school conduct shall include, but is not limited to, the sale, transfer, or possession of drugs which would constitute an offense punishable by law.

H. Students expelled from school must petition the District Board of Education for readmission. Evidence must be provided of having received appropriate related services pertinent to the expulsion offense.

IV. The following discipline policy shall apply for infractions of State and District Drug and Alcohol Policies:

A. USE/IMPAIRED

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<th>FIRST VIOLATION</th>
<th>SUBSEQUENT VIOLATIONS</th>
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B. POSSESSION/PERSONAL USE
Possession of alcohol, a drug, a drug-like substance, and/or a look-alike substance, in an amount typical for personal use, and/or drug paraphernalia.

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* It shall be the Parent(s)/Guardian(s) responsibility to enroll their child in a drug treatment program, and provide the district with verification that the program has been successfully completed.

C. DISTRIBUTION
Possession of a quantity of alcohol, a drug, a look-like substance, and/or drug paraphernalia in an amount which exceeds an amount typical for personal use, and/or distribution of the above named substances or paraphernalia.

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THE STUDENT OPTION FOR DRUG AND/OR ALCOHOL TREATMENT
When a student in the Cape Henlopen School District is referred by a school administrator for an expulsion hearing due to the use/possession of drugs and/or alcohol, it is possible for additional disciplinary action to be waived by the Board of Education.

To obtain a waiver certain conditions must exist:
1. The student must never have been before the Board of Education due to use or possession of drugs and/or alcohol.
2. The school must have a reasonable expectation the student will not be involved with drugs and/or alcohol again while a student in the Cape Henlopen School District.

This agreement is between the Cape Henlopen School District, student, and parent(s)/guardian(s). It will remain in effect as long as the student is enrolled in the Cape Henlopen School District. If suspension of action by the school district is granted it is understood that another violation of the drug/alcohol policy will result in an administrative removal of the student from school without the possibility of a waiver, and expulsion will be recommended. If a waiver is granted, certain conditions will apply. These conditions are:
1. There will be no further major violations of the policies of the Cape Henlopen School District.
2. The student shall participate in a substance abuse program at an agency such as Aquila or other programs which are approved by the Administrator of Student Services of the Cape Henlopen School District.
3. The student shall abide by all policies of the Cape Henlopen School District including, but not limited to, discipline and attendance.

4. The student and the student’s parent(s)/guardian(s) authorize the release of all student information in the school district’s possession to the agency providing counseling to the student. It is also agreed that the counseling agency be authorized to notify the Administrator of Student Services regarding student success in completing the counseling program.

5. The student shall request in writing readmission, and shall describe all personal improvements from counseling and other services.

6. The student is under a suspension pending expulsion and cannot enroll in another district during the recommended period.

7. The student must sign the Student Option For Drug And/Or Alcohol Treatment agreement. Any student who believes he/she has a problem with drugs or alcohol may request help from school personnel who will offer assistance and assessment and/or may identify appropriate outside resources without penalty, unless a violation of the policy has occurred. No record of the request will be made by the administration. In cases involving student assistance, costs for such treatment are the responsibility of the parent/guardian, but the school administration will be an active partner at the parent(s)/guardian(s) request in securing help that is either low in cost or without charge. The Board of Education is committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs and other related activities. As one part of this program each year, this policy will be reviewed by the school administration, at the beginning of the school year, with the total student body. In addition, this policy will be reproduced and distributed to each District family with students in school. The Board has also designated the school nurse and/or psychologist in the District elementary school and guidance counselors and/or psychologists in the secondary schools as the professionals to which staff can refer students to receive initial counseling and to obtain information or counseling/treatment services available to the students. Issues involving student rights to services and confidentiality should be directed to the school principal. Each school contact person will keep a directory of available community and school resources for counseling and substance abuse treatment. The contact person will keep staff updated with regard to awareness of the available resources and will help encourage students to seek support and assistance.

**ADMINISTRATIVE REFERRALS**

Listed consequences will be in effect regardless of whether the violation is a first violation or a subsequent violation.

* Denial of bus transportation will be an option only when the violation is a bus referral.

**HARASSMENT**

Sexual harassment or harassment/misconduct by students based upon race, national origin, disability, religion, gender, gender identity, sexual orientation, or other prohibited characteristics is prohibited. The Cape Henlopen Board of Education believes that all persons are entitled to a safe environment where individual rights are protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district’s efforts to foster such a learning environment and in accordance with state and federal law, the following policies on sexual harassment and harassment/misconduct based on race, national origin, disability, religion, gender, gender identity, sexual orientation, or other prohibited characteristics have been adopted.

**SEXUAL HARASSMENT BY DISTRICT STUDENTS**

*See Board Policy 222*
HARASSMENT OR MISCONDUCT BY STUDENTS BASED UPON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, OR SIMILAR CHARACTERISTIC

See Board Policy 223

POSSSESSION OF FIREARMS

In compliance with the Federal “Gun Free Schools Act of 1994”, the District adopts the following policy: Possession of a firearm on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period not less than 180 days. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal or State Law. The procedures to implement this policy will be the student expulsion procedures outlined in the District’s Student Code of Conduct. For purposes of this policy, “firearm” as defined in Section 921 of Title 18, United States Code.

DRUG, ALCOHOL, AND STEROIDS

The Board of Education believes that drugs, alcohol and steroids have no place in the school environment and should be prohibited. This policy reflects the desire and intent of the Board to encourage Cape Henlopen students with substance abuse problems to come forward and seek help with treatment and counseling. It should be understood that state and District policies shall apply to all students except that with respect to disabled students, the Federal Law will be followed and determination of whether the violation of the drug, alcohol and steroid policy was due to the student’s disabling condition will be made prior to any discipline or change of placement in connection with the policy. The objectives of this policy are four-fold:

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

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

The Board recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the whole school community. The Board, accordingly, prohibits the possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia because they are wrong and harmful to students. The Board considers offenses related to drugs and alcohol very serious both for individuals involved and for the welfare of other students in the District.

Therefore, the following rules and regulations have been developed:

1. Any student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance, alcohol, a look-alike substance and/or drug paraphernalia while on school property or at school-related activities will be subject to the Code of Conduct’s disciplinary matrix. The investigation leading to the recommendation for discipline will be conducted at the school level by the discipline team led by the Principal or designee.

The school recommendation will be reviewed at the District level. In cases involving special education students, the Board may, at its discretion, waive a hearing and accept the recommendation of the Child Study Team of the particular school.
2. Discipline shall be in accordance with due process rights and on the evidence presented by the administration. The student will be expelled for a term not to exceed one (1) calendar year from the date of the decision. The District will assist the family in exploring alternative educational options for the expelled student upon the request of the student and/or his/her parent/guardian. Students desiring credit for alternative education courses toward a high school diploma must have prior approval from the Cape Henlopen School District.

3. All violations of this policy are to be immediately reported to the school Principal who will verbally notify the student’s parent(s)/guardian(s) of the investigation. In all cases, The Youth Aid Division of the Delaware State Police will also be contacted. At all times the student’s due process rights and confidentiality rights are to be respected but after an informal meeting with the student, the Principal has the authority to suspend the student for up to ten (10) school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student’s parent(s)/guardian(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the Central Review Officer.

If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student’s parent(s)/guardian(s) in writing and identify the time and place of the student’s hearing. This hearing should be held within ten (10) school days from the beginning of the student(s) suspension. If an exception is made to the time line, the school Board will provide homebound instruction to the student until such time as the Board or its hearing officer can convene to hear the student’s case.

4. All alcohol, drugs, drug-like substances, like-alike substances and/or drug paraphernalia found in a student’s possession shall be turned over to the Principal or designee and be made available for identification. All substances shall be sealed and documented and turned over to the police as potential evidence. A request for analysis shall be made where appropriate.

5. Students are responsible for their own actions. Students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student’s actions in accordance with this policy.

6. Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, shall be suspended from school for a minimum of five (5) days and suspended also from all participation in extracurricular activities, including sports and marching bands, for the remainder of the school year. Any student who violated the above policy more than one (1) time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and marching band, for one (1) calendar year from the date of the second incident. This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Cape Henlopen School Board. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Cape Henlopen School District’s Discipline Policy.

7. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are:

   a. those prescribed to a student by a licensed provider, or

   b. those which can be purchased over the counter for which the student has written permission from his/her parent or guardian.

Both are to be brought in the original labeled container to the school environment in the dosage or amounts prescribed, or for which written permission has been obtained. In all cases, they are to be delivered to the school nurse who will administer them.
In the case of some emergency medications including but not limited to prescription and prescription inhalers, nitroglycerin, and epi-pen, the student’s prescribing practitioner must write a note to the school nurse in advance if it is recommended that the student carry the medication with him/her.

Violations of the policy could result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

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

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

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

**NONCONTROLLED SUBSTANCES**

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

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

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

- the noncontrolled substance is packaged in a manner normally used for illegal delivery substances;
- the delivery or attempted delivery included an exchange or demand for money or other valuable property as consideration for delivery of the substance, and the amount of such consideration was substantially in excess of the reasonable value of the non-controlled substance;
- the physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.
Once intent to use, possess, or transfer a noncontrolled substance as a controlled substance is established, refer to discipline matrix for appropriate penalties.

BULLY PREVENTION POLICY

See Board Policy 224

ANTI-HAZING

The Board of Education believes that hazing is an unacceptable behavior and will not be tolerated in the Cape Henlopen School District. This policy is adapted from Delaware Code (Title 14, Ch. 93).

"Hazing" means any action or situation which recklessly and intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in any organization operating under the sanction of or recognized as an organization of the Cape Henlopen School District. Examples include but are not limited to any physical brutality or forced physical activity, subjection of the individual to extreme mental stress, any forced activity which could adversely affect the mental health or dignity of the student, and/or any willful destruction or removal of public or private property. This policy applies regardless of the active participation and/or willingness of the individual to participate.

GANG RELATED ACTIVITIES

It is the Board’s expectation that this policy will apply in those gang related situations that are both severe and unique. It is also expected that district administrators will use good judgment in implementation and that the policy will be carefully reviewed with both parents and students.

The Cape Henlopen School District prohibits all gang related activities including but not limited to: gang dress, use of gang symbols or signs, gang name graffiti to advertise gang affiliation, soliciting membership for a gang, threats, or acts of violence against any one individual or group.

SCHOOL-POLICE RELATIONSHIPS

To ensure that both students and parents are aware of the relationship between the school and the police agencies, you are advised that school officials shall promptly report to the appropriate police agency all police matters which come to their attention, whether occurring on or away from the school premises, which involve students attending the particular school.

The following offenses should be reported to the appropriate police agency for investigation:

A. All felonies.
B. Serious assaults when any weapon is used.
C. Report of explosives, knives, firearms, ammunition, fireworks or blasting caps being brought into school.
D. Narcotic offenses or allegations; drinking.
E. Indecent assaults on students or staff.
F. Rape or assault with intent to rape.
G. Morals offenses (pornography, exhibitionism, voyeurism).
H. Organized gambling (numbers and pools).
I. Neglect or abuse of children.
J. Contributing to the delinquency of minors.
K. Loitering on or near school property.
L. Unknown persons parked near schools at the time students are going to and from school.
M. Reckless driving and traffic hazards endangering lives of school children.
N. Telephoned threats to the school.
O. Arson, attempted arson, or suspicion of arson.
P. Rumors or observations of gang rivalries or activities.
Q. Reports of promiscuity or incest.
R. Evidence of threats or intimidation.
S. Larceny involving the personal property of school personnel.
T. Larceny involving school equipment.
U. Burglary and attempted burglary of school buildings.
V. Malicious mischief and school vandalism.
W. Trespassing on school property.

Police matters shall not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the schools. All school misconduct of a serious nature should be promptly reported to the parent/legal guardian of the involved student.

Correlated with SCHOOL/POLICE RELATIONS GUIDELINES FOR SCHOOL ADMINISTRATORS as approved by the State Board of Education on October 20, 1988.

CHAPTER VII
BUS POLICY

K-12 BUS POLICY as it applies to the high school (Board Adopted Code of Conduct)

The State of Delaware requires that districts provide bus transportation privileges for eligible enrolled students within the district’s boundaries. Within State requirements, local Boards of Education are authorized to establish policies and procedures to insure the safe and orderly transportation of their students. The purpose of this policy is to provide guidelines through which the rights and safety of passengers, drivers, and aides are protected.

All policies found in the Cape Henlopen School District Student Code of Conduct apply to every student boarding, riding, or exiting buses. Inappropriate student conduct creates a dangerous distraction to the driver and is insensitive to the rights of all individuals on the bus. In the event of serious or repeated violations, suspension of a student’s bus privileges will occur. Additional consequences for violations of the Code of Conduct found in the matrices of this policy.

Parents shall be notified before a bus suspension takes effect, except in emergency situations necessary to protect the safety of individuals, property, or the integrity of the educational process. In such cases, the necessary notice will follow as soon as possible.

During the suspension of bus privileges, it shall be the parents’ responsibility to provide the student’s transportation to and from school. Failure to attend school, due to the loss of bus privileges, is considered an unexcused absence. Suspension of bus privileges shall not be used as a disciplinary action for non-bus related violations.
### BUS DISCIPLINE MATRIX K-12

<table>
<thead>
<tr>
<th>INFRACTIONS</th>
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<tbody>
<tr>
<td>1. Improper Boarding/Departing Procedures *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
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<tr>
<td>2. Bringing Articles of Objectionable Nature *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
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<tr>
<td>3. Eating or Drinking on Bus *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
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<td>E</td>
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<td>4. Failure To Remain Seated *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
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<td>E</td>
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<tr>
<td>5. Refusing To Obey Driver *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
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<tr>
<td>6. Reckless Play – Pushing and Tripping *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
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<td>E</td>
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<td>7. Hanging Out Of Window *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
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<tr>
<td>8. Throwing Objects In or Out of Bus *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
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<td>9. Profanity *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
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<tr>
<td>10. Spitting/Littering On or In the Bus *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
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<tr>
<td>11. Unnecessary Noise *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
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<tr>
<td>12. Tampering With Bus Equipment * (Restitution Required)</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
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<td>13. Destruction of Bus Property* (Restitution Required)</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
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<tr>
<td>14. Rude, Discourteous and Annoying Conduct *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
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<tr>
<td><strong>MAJOR INFRACTIONS</strong></td>
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<td>15. Other Behaviors Relating to Safety, Well-Being and Respect for Self/Others</td>
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<td>16. Provoking a Fight</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
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<td>17. Fighting</td>
<td>OSS 3</td>
<td>OSS 5</td>
<td>F</td>
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<tr>
<td>18. Profanity Towards Bus Staff</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
<td>-</td>
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<tr>
<td>19. Bringing Articles that may cause Injury</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
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<tr>
<td>20. Lighting Matches and/or Lighters on the Bus</td>
<td>S5</td>
<td>E</td>
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<tr>
<td>21. Smoking on the Bus</td>
<td>S5</td>
<td>E</td>
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</tbody>
</table>

**CONSEQUENCES**

- W - Warning from Administrator/Designee
- S1 - 1 Day Bus Suspension
- S3 - 3 Day Bus Suspension/Bus Behavior Contract w/ incentives
- S5 - 5 Day Bus Suspension
- OSS 3 - 3 Days Out of School Suspension
- OSS 5 - 5 Days Out of School Suspension
- F - 10 Day Out of School Suspension
- E - Bus Expulsion

* Infractions count horizontally and vertically
** Consequence up to the discretion of building administrator

**Serious Violations of 1-14 may fall to 15 at the discretion of the building administrator**

Drivers contact parents for every referral. Administrator/Designee contact made for every Suspension.
CHAPTER VIII
ACADEMICS
CORRESPONDENCE COURSES

The State of Delaware allows a student to take credits outside the normal school courses. Thus, a student may take correspondence courses through an approved accredited correspondence school. Information and limitations regarding these courses may be obtained by contacting the guidance counselor. All final examinations for correspondence courses must be taken by May 5 if the course is required for graduation.

HONOR ROLL (Grades 7-12)

All courses taken during the nine-week marking period will count for the Honor Roll. For a student to be eligible for the First Honor Roll, a scholastic average of 93 with no grade below 85 for all courses taken (except Driver Education and those courses not given a numerical grade) during the 9 weeks will be the minimum accepted. To make the Second Honor Roll, a scholastic average of 85 (with no grade below 75) must be achieved for all courses taken.

HONOR SOCIETY

Each Cape Henlopen secondary school is an accredited member of the National Honor and National Junior High Honor Society. Membership into the Honor Society is limited to those students who have demonstrated outstanding qualities of scholarship, citizenship, service, leadership and character.

- SCHOLARSHIP is defined as maintaining a grade-point average of 90 and above. In order to be considered for membership, a student must achieve an average of 90 in all subjects, and the student must maintain an average of 88 in all subjects to remain a member in good standing in the Society.
- CITIZENSHIP is basically a concept of participation and may be assessed in terms of attitudes regarding freedom, justice, patriotism and respect for fellow human beings. Because concepts of citizenship are developed during adolescent years, participation in scouting, the Red Cross, school clubs and similar organizations may be considered as valid factors. Citizenship is also demonstrated through proper respect for peers and attitude regarding school, school property, faculty, community and country.
- SERVICE is defined in terms of performance. Valid questions for service are: What contributions has the candidate made to school, classmates and community? What is the student's attitude toward service? Is the student willing to sacrifice time to work for class, club or other school projects?
- LEADERSHIP is highly regarded in candidates. Students can demonstrate leadership qualities by taking the constructive lead in class work, actively participating in class, inspiring positive behavior in others, demonstrating academic initiative, being dependable and reliable, and successfully holding school offices or other positions of leadership.
- CHARACTER is the most difficult area to define. Character traits such as honesty, responsibility, fairness, courtesy, tolerance and cooperation should be in evidence. Candidates should not have a record of discipline referrals, unexcused tardies and lack of responsibility, including lost books, lost or damaged library books, cheating, lying and copying homework.

HONOR SOCIETY SELECTION PROCESS

The student must have a cumulative grade point average of at least 90% at the end of the first semester of the sophomore year. This earns the student a place on the eligibility list prepared by the guidance department. Those students on the list are eligible to apply for membership if desired. Freshmen are not eligible. Juniors or seniors who attain a 90% cumulative GPA or better are eligible to apply for membership.
The honor society advisor sends each eligible student a letter and an application via the first period teacher. The letter must be signed by the student and parent or guardian. The application and letter are to be returned to the advisor by the designated deadline. Late returns will not be considered unless the advisor has been contacted prior to the deadline and informed of extenuating circumstances. Applicants should prepare their applications carefully and turn them in on time.

Cape Henlopen staff receives packets of information listing the students who have applied and copies of the national guidelines reminding them of the characteristics necessary for consideration. Evaluators have access to the information provided by the student application. Each staff member evaluates only those students they are working with during the current school year.

Those teachers, coaches, and guidance counselors that work with the student evaluate the student on a scale of 1 to 4 for scholarship, leadership, character, and service. Each evaluator is required to return the packets to the advisor by a designated date.

The advisor averages each student’s recorded scores and arranges the results from highest to lowest. The honor society committee meets to decide which students are accepted into the honor society that school year.

Those accepted receive a letter of welcome into the honor society and instructions for the scheduled induction. At the induction, each member is pinned by a current member. Each member and inductee is expected to attend the ceremony. The advisor must be notified if there is some emergency that prevents attendance at the induction.

**POSTERS**

All posters and other written material for display purposes must be approved by the principal. Groups or individuals may not circulate written material to the students without such approval in advance.

**PROMOTION POLICY**

**GRADES 9-12 CLASSIFICATIONS**

Students will be assigned to a specific grade level homeroom on the basis of the following guidelines:

- **Freshman:** Successful completion of required grade 8 courses for promotion
- **Sophomore:** Have earned at least five (5) credits including: One (1) credit in English; one (1) credit in Mathematics; one (1) credit in Science or Social Studies;
- **Junior:** Have earned at least eleven (11) credits including: Two (2) credits in English; two (2) credits in Mathematics; one (1) credit in Science; one (1) credit in Social Studies;
- **Senior:** Have earned at least sixteen (16) credits including: Three (3) credits in English; three (3) credits in Mathematics; two (2) credits in Science; two (2) credits in Social Studies; one (1) credit in a World Language.

For the Class of 2017 and Beyond

- **Freshman:** Successful completion of required grade 8 courses for promotion
- **Sophomore:** Have earned at least six (6) credits including: One (1) credit in English; one (1) credit in Mathematics; one (1) credit in Science; one (1) credit in Social Studies;
- **Junior:** Have earned at least thirteen (13) credits including: Two (2) credits in English; two (2) credits in Mathematics; two (2) credits in Science; two (2) credits in Social Studies; one (1) credit in World Language; one (1) credit in Career Pathway;
- **Senior:** Have earned at least twenty (20) credits including: Three (3) credits in English; three (3) credits in Mathematics; three (3) credits in Science; three (3) credits in Social Studies; one (1) credit in a World Language; two (2) credits in Career Pathway.

*See Board Policy 215*
Credits for courses completed in programs recognized by the State Department of Public Instruction may be counted in fulfilling credit requirements for graduation. Students who earn a diploma will be certified as having achieved the following:

- fulfillment of attendance requirements mandated by the State and Cape Henlopen Boards of Education
- fulfillment of graduation requirements as outlined above.

Credits for courses completed in programs recognized by the State Department of Public Instruction may be counted in fulfilling credit requirements for graduation. The validity of all such courses completed and recorded prior to a student's transfer into the district, and all such courses taken and completed by a student while officially enrolled in Cape Henlopen High School, must be approved by the Cape Henlopen School District. In the latter case, prior approval shall be required.

Cape Henlopen High School students who are selected by organizations to study abroad or to take part in a special project or workshop in the United States (approved by the Cape Henlopen School District in advance) and satisfactorily complete the requirements, as verified by the host school, shall be considered students in good standing. All courses completed by the students in this category will be counted both toward graduating and in the computation of their scholastic averages.

Special Education Students - To be promoted to the next grade level, special education students must have demonstrated reasonable progress toward meeting the goals of their individual educational plans (IEP). Such progress and the consequent promotion/retention decision will be determined by the school child study team and approved by the school principal who will consider adjustment and other factors.

**SCHEDULE CHANGES: CHHS**

A course selected after careful study and discussion with teachers, counselors, parents/guardians should require NO CHANGES other than for an extraordinary reason, unforeseen at the time of selection. A student-initiated change request must be started no later than five (5) days after the beginning of the semester. All schedule changes of first semester and full-year courses must be completed by the end of the second full week of the first semester. All schedule changes of second semester courses must be completed by the end of the first week of the second semester.

The deadline for withdrawal from a course is the Friday of the week of the first Interim Report; students who withdraw by the deadline will have no record of the course on their permanent records. Students who withdraw after the deadline will receive a "WD" (withdraw) for the final grade. This "WD" will remain on their permanent records.

**CHAPTER IX
STUDENT ACTIVITIES AND ATHLETICS**

**ATHLETIC AND EXTRACURRICULAR ELIGIBILITY**

*See Board Policy 123*

**PER DIAA RULE BOOK A STUDENT IS NOT ELIGIBLE**

Student Eligibility – Refer to DIAA Rule Book

[http://www.doe.k12.de.us/infosuites/students_family/diaa/official_hand.shtml](http://www.doe.k12.de.us/infosuites/students_family/diaa/official_hand.shtml)
ATHLETIC CODE OF ETHICS
Code for Interscholastic Athletics:

The School Administrator and Athletic Director shall:

1. Encourage and promote friendly relationships and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by acquainting students and others in the community with ideals of good sportsmanship and by so publicizing these concepts and attitudes that all members of the school community will understand and appreciate their meaning.

2. Review with all athletic staff the Sportsmanship Rule.


4. Insist upon adequate safety provisions for all activities for both participants and spectators.

5. Encourage all to judge the success of the athletic program on the basis of the attitude of the participants and spectators rather than on the basis of the number of games won or lost.

6. Insist that all participants exemplify the highest standards of good sportsmanship as a means of ensuring desirable spectator attitudes.

7. Provide adequate hygienic, sanitary and attractive facilities for the dressing and housing of visiting teams and officials.

The Spectator shall:

1. Realize that s/he represents the school just as definitely as does the member of a team and, therefore, has an obligation to be a true sportsman, encouraging through this behavior the practice of good sportsmanship by others.

2. Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill and outstanding examples of sportsmanship and fair play exhibited by either team.

3. The following are some examples of poor sportsmanship which shall not be tolerated:

4. Profanity, vulgarity, obscene gestures, abusive language and/or derogatory remarks.

5. Throwing objects

6. Going to the floor or field and interrupting a contest.

7. Use of alcohol or other controlled substances.

8. Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them.

9. Treat visiting teams and officials as guests, extending to them every courtesy.

10. Be modest in victory and gracious in defeat.

Participants (Athletes and Cheerleaders) shall:

1. Have a responsibility for the perpetuation of interscholastic athletics. Work to enhance the image of athletics not only as a team member but also as a school and community citizen.

2. Be courteous to visiting teams. Your opponents wish to excel as much as you do; respect their efforts.

3. Play to the limit of your ability, regardless of discouragement. The true athlete does not give up, nor does s/h quarrel, cheat, bet or grandstand.

4. Be modest when successful and gracious in defeat. A true sportsman does not offer excuses for failures.

5. Understand and observe the standards of eligibility and the rules of the game.

6. Respect the integrity and judgment of officials and accept their decisions without questions.

7. Respect the facilities of host schools and the trust entailed in being a guest.
The coach shall:

1. Demonstrate high ideals, good habits and desirable attitudes in personal and professional behavior and demand the same standards of the players.

2. Recognize that the purpose of competition is to promote the physical, mental, social, and emotional wellbeing of the individual players and that the most important values of competition are derived from playing the game fairly.

3. Be a modest winner and a gracious loser.

4. Maintain self-control at all times, accepting adverse decisions without public display of emotion or of dissatisfaction with the officials.

5. Register disagreement through proper channels.

6. Employ accepted educational methods in coaching, giving all players an opportunity to use and develop initiative, leadership and judgment.

7. Pay close attention to the physical condition and wellbeing of players, refusing to jeopardize the health of an individual for the sake of improving his/her team’s chances to win.

8. Teach athletes that it is better to lose fairly than to win unfairly.

9. Discourage gambling, profanity, abusive language and similar violation of the true sportsman’s code.

10. Refuse to disparage an opponent, an official, or others associated with sports activities and discourage student athletes under his/her immediate care.

The Official shall:

1. Know the rules and their interpretations and be thoroughly trained to administer them.

2. Maintain self-control under all conditions.

3. Do not make gestures or comments that will embarrass the players or coaches when enforcing the rules.

4. Be impartial and fair, yet firm, in all decisions. A good official does not attempt to compensate later for an unpopular decision.

5. Refrain from commenting upon or discussing a team, play or game situation with those not immediately concerned.

6. So conduct the games as to enlist the cooperation of players, coaches and spectators in the interest of good sportsmanship.

CLUBS

Student membership and participation in any school organization, club or activity shall be based upon meeting the standards of good citizenship and scholarship as outlined under athletic and extracurricular eligibility.

Clubs may be started by contacting the principal for applications. Clubs should be the result of a definite need or interest. All clubs must have a faculty advisor.
SOCIAL EVENTS
Dances will be held throughout the school year at the request of some student organizations. Refreshments will be sold by the sponsoring group. Dances will last two or three hours depending on the time of year.

Secondary regulations for social events are:
1. Only Cape Henlopen students may attend the dances.
2. Regular school or casual dress is acceptable.
3. No drinking of alcoholic beverage, smoking, illegal drugs or abusive language by students will be tolerated.
4. There will be no passes for leaving. If you leave the dance, you may not return, and you must leave school property.
5. Refreshments must be consumed where the activity is held.
6. Tickets to all dances will be sold in advance.

CHAPTER X
OTHER IMPORTANT INFORMATION

ASSEMBLIES
Assemblies, unless otherwise stated, will be held in the auditorium or gymnasium. Invitations will be extended to specific staff members who have the option to bring their classes or not as they see fit. Seating will be by class or homeroom.

Sometimes, an assembly program will result in guests visiting our school. Students are reminded that they are a reflection not only of themselves, but also of Cape Henlopen School District and are expected to treat these guests with courtesy and respect. Those students who do not conduct themselves properly during assembly programs will be removed from the assembly. At the end of the assembly program, the staff will give directions for dismissal.

COPIERS
Students DO NOT have permission to use the school’s copiers. Students who are trained by the office staff as student aides may use the copier located on the second floor to make copies as requested by their supervising staff member. Students who have been trained will be issued an identification card indicating the class period they are permitted to be using the copier.

DEBTS
Students incur debts because of failure to return materials, books, calculators, etc. that are issued to the students. Debts can also be incurred for destruction or excessive wear to these materials. Some debts are transferred from the middle schools. Student debts must be paid before the student can engage in extra-curricular activities. Students who participate in field trips are to be debt-free. Debts can be paid in the main office.

Personal checks are not accepted for debt resolution. Only Cash, Money Order or Certified Check will be accepted.

DETENTION AND IN-SCHOOL SUSPENSION
At various times, a student may be assigned an after-school detention or an in-school suspension. After-school detentions are two hour and one-half hours each and in-school suspension lasts the entire school day. Students are scheduled for detention or in-school suspension at the time that they have a discipline conference for a disciplinary referral. After-school detentions and in-school suspensions will not be rescheduled.

Students assigned to after-school detention or in-school suspension are supervised by members of the high school staff. These staff members have the authority to dismiss students, enforce school rules, enforce after-school detention and in-school suspension rules, and remove a student from in-school suspension or after-school detention because of misbehavior. Students who are removed from in-school suspension or detention for misbehavior will be suspended out-of-school.
While in detention or in-school suspension, the following rules apply:

- Talking is not allowed
- Reading of newspapers, comic books, magazines is permitted only if they are part of class assignment
- Keep head off the table, and sit in an upright position
- Stay awake at all times
- Radios, walkmen, electronic games and wireless phones are not allowed
- Card playing is forbidden
- Raise hand for permission to get out of seat
- Students in after-school detention will not be dismissed to use the restroom
- Students serving in-school suspension will be escorted to the restroom.

**EARLY DISMISSAL**

Some students are scheduled for early dismissal due to advanced college placement, enrollment in the diversified occupations work program, or participation in one of the various internships offered at CHHS. Students who are scheduled for early dismissal are issued an early dismissal card indicating the time for the student’s regular dismissal. Students are expected to leave the property within ten minutes of the time indicated on their early dismissal cards. Transportation for students who are scheduled for early dismissal is the responsibility of the student. The early dismissal card is to be shown upon request to any staff member who questions the student about not being in class. Abusing the privilege of the early dismissal process may result in the loss of the privilege and possible disciplinary action.

**GUIDANCE PROCEDURES**

Students who wish to see their guidance counselor should complete the sign-in sheet on the counter in the guidance office to request an appointment. Unless asked to stay, students should then return to class. A pass will be sent to the student indicating the time and date for the appointment. In case of an emergency, students should notify the guidance secretary, a school administrator, or a member of the school staff who will help to make sure that the student is seen in a timely manner.

**HALL PASSES**

In order to get the most benefit from classes, it is necessary that a student be in attendance. It is for this reason that the number of hall passes available for student use is limited to the available spaces on the hall pass pages of the agenda book. Students who need to leave a class must request permission from the respective teacher who will fill in the appropriate line on the hall pass page. The use of these hall passes is a privilege, not a right. Teachers will set individual policies on their requirements for being allowed to leave the classroom.

Students who must see the nurse on a regular basis for medication or treatment will be given a separate sheet by the nurse to attach in the front cover of the agenda book. This sheet will indicate the regular time that the student is supposed to report to the nurse’s office. Students who are requested to go to the guidance office or the discipline dean will be issued separate passes from those offices.

**LOCKERS**

All secondary students are assigned a locker. These lockers are to be kept in good order and closed at all times. Stickers, labels and markings on lockers are prohibited. Under no circumstances should valuables be kept in an unlocked locker. A detailed inspection of each student's locker may be made at various times during the school year. Lockers must be kept locked! Locker security is the responsibility of each student.

The school will not assume responsibility for items missing from lockers. (See Searches). **USE ONLY ASSIGNED LOCKERS.**
LUNCHROOM GUIDELINES

No food is to be taken from the cafeteria or eaten in any other area of the school. The 30-minute lunch period is to be spent entirely in the cafeteria. Students may sit anywhere. Students are free to talk quietly with those around them. Shouting and excessive movement from table to table is prohibited. Teachers/paraprofessionals have been assigned to supervise the lunch-line behavior in the cafeteria. Students are expected to show them respect and cooperate with any requests that the supervising staff might make. Students are not permitted to break in the lunch line or allow others to do so.

Students must not leave the cafeteria without permission in advance from one of the cafeteria supervisors.

PERSONAL EQUIPMENT

Use of communication devices such as, but not limited to, mobile/cellular telephones, laser pointers, CD players, Radios, Cassette Players, DVD players and electronic pagers are not permissible in the school environment during the school day. Possession of activated communication devices is prohibited in school. Activated means turned on, accessing, ringing, vibrating, text/visual messaging, photographing, et al. Activated devices will be confiscated and turned over to an administrator. Students must surrender activated communication devices to staff upon request.

RESTRICTED AREAS OF THE SCHOOL

Some areas of the school are not designated for student use. These include a) the faculty lounge, b) the mail room, c) the faculty dining room, d) the area of the main office behind the counter, e) the boiler room, and e) custodial areas.

Students found in these areas may receive a disciplinary referral for being in an unauthorized area. Students are also reminded that some areas normally designated for student use are off-limits unless adult supervision is available or specific permission is granted. This includes but is not limited to a) the gymnasium, b) empty classrooms, c) the locker room, and various school offices.

In addition, students are not permitted to be in the parking lot during the school day. All items needed for the day are to be removed from the car and brought into the school with the student.

SENIOR PRIVILEGES

Traditional privileges afforded to students who have earned senior status include the following:
1. Reserved parking for seniors in the first four rows of the student parking lot.
2. Outdoor eating privileges during the assigned lunch period for seniors
3. Dismissal from class two minutes early to go to lunch. This privilege is at the option of the teacher.

SHUTTLE BUS

The Cape Henlopen shuttle bus is designed for Cape Henlopen High School athletes. The bus generally leaves the school at 5:30 p.m. and travels to general drop-off points throughout the Cape community. Spectators or non-athletes are not allowed on the bus. If the bus privileges are abused by secondary student athletes, action will be taken to suspend their riding privileges.

SKATEBOARDS

Students are not permitted to ride skateboards on school property at any time. Students who bring skateboards to school must leave them in the office and pick them up at the end of the day.

TEXTBOOKS

The school furnishes books to all students. This is done with the expectation that this major investment will be properly safeguarded. Reasonable damage is expected as a result of daily use. Unreasonable damage to textbooks will result in fines.

Book covers will be available and books must be covered at all times. Students who lose or damage a book while it is checked out to them will be expected to pay the replacement cost.
VISITORS TO SCHOOL
Parents are always welcome to visit the school. A parent who wishes to talk with a specific staff member, s/he must call for an appointment since teachers cannot be called from their classes, and the administrative and counseling staff are often unable to see unexpected visitors because of previous commitments. For the protection of the students, all visitors must register at the school office immediately upon entering the building. Visitors are reminded not to park in areas with yellow curbs.

Student-age visitors are not permitted on school grounds while school is in session unless prior permission is granted by a school administrator.

WEEKLY PROGRESS REPORTS
Students are encouraged to monitor the progress being made in each class. The agenda book provides space to record grades earned for assignments in each class. In addition to the regular mid-report cards and regular report cards, students (and parents) can determine how the student is progressing by using a Weekly Progress Report (WPR). Students pick up the WPR from the counter in the Guidance Office (generally on Friday). They then request each teacher to fill in the appropriate spaces. Teachers report on grades, attendance, attitude, and missing assignments. These sheets can then be used to keep track of weekly progress of the student.

WELLNESS CENTER
CHHS is fortunate to be able to house a Wellness Center for the benefit of students at the high school. The Wellness Center, which can be accessed by scheduling an appointment, provides a variety of service to students. Some of the many services and staff include:

- A registered dietician
- A social worker
- Free sports physicals
- Medical care
- Current medical literature

The Wellness Center is administered by the Beebe Medical Center. Students or parents may schedule appointments by stopping in the center or by calling 644-2946. Upon their first visit, forms must be completed by parents or guardians, and their signatures will be verified by phone. Students will also be asked to fill out an information-gathering sheet, which will help the Wellness Center staff to provide the appropriate service for the student.

Upon completion of the appointments to the Wellness Center, students report to the attendance clerk in the Main Office to be issued a pass to class.
GLOSSARY (As used in this Code:)

Absence - missing school time for either an excused or unexcused reason. Absences are reported and calculated by whole days or fractions adding to whole days.

Acceptable Use Policy - the terms and conditions for use of telecommunications and educational technology applications at Cape Henlopen School District.

Adult Student - a student who has reached the age of 18.

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

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

Aggravated Assault - assault with a weapon or dangerous instrument.

Assault - recklessly or intentionally physically injuring another person.

Assault and Battery - an unlawful physical attack resulting in injury to another.

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

Attorney General Report - notification of off campus inappropriate student behavior.

Behavior Contract - an agreement between a student, the student’s parent(s) or guardians, and an administrator following inappropriate behaviors, which specifically states the conditions that, unless met, will result in a recommendation for further disciplinary action.

Board of Education (School Board) - the seven member committee, elected by the community, to govern the District. The Board makes and reviews policies that are put into practice by the employees of the school district. Each member of the Board is elected to a five year term.

Breaking and Entering - the illegal and unauthorized entry into School District buildings or vehicles.

Bullying - repeated, intentional, written, electronic, verbal or physical act or actions against another person, which directly or indirectly causes physical injury, mental injury or discomfort (See Board Policy).

Central Review Officer - a person appointed by the Superintendent to conduct the Central Review Process.

Central Review Process - the process for considering a School Review Committee’s recommendation for expulsion in terms of investigative and administrative procedures, as well as regarding compliance with Board Policy. The process is carried out by the Central Review Officer who then submits a recommendation to the Superintendent.

Cheating/Plagiarism - to be dishonest or deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving or receiving answers, test questions, work results, projects or writings from another person and pass them off as one’s own.

Class Cutting - missing 10 or more minutes of a single class without cause. Students must have prior written approval from sending and receiving staff for arrangements to miss an assigned class to attend another class during that time.

Code - the Student Code of Conduct.

Communication Devices - included but not limited to: electronic pagers, cell phones, and other electronic signaling devices.

Criminal Mischief - intentionally recklessly damaging or tampering with the property of another.

CST (Child Study Team) - a school committee formed to provide student assistance including but not limited to: a member of the building administration, psychologist, special education coordinator, and regular classroom teacher(s).

Defamatory or Demeaning Actions/Remarks - actions or remarks, spoken or written by students that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or religious beliefs, family, sexual orientation, social, or cultural background.

Del C. - The Delaware Code contains the body of State law. Title 14 of the Delaware Code contains State law regarding education.
Defiance - the act or attitude of resistance to comply with a directive given by school personnel.

Department of Education - the State agency serving under the Secretary of Education to provide resources and guidance to the school districts.

Destructive Device - means (A) any explosive, incendiary, or poison gas such as a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses; (B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designated or intended for use in converting any device into any destructive device in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

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

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

Disorderly Conduct - an offense involving disturbance of the public peace and decency.

Disrespect including Insubordination - refusal to comply with a reasonable request from any adult.

Disruption - behavior causing distractions, frictions, or disturbances seriously or repeatedly interfering with: a teacher’s ability to provide instruction; a school activity; maintaining order on the bus, in hallways or common areas.

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

Distribute, Distributing, or Distribution - the transfer or attempted transfer of alcohol, a Delaware Code, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.

District - the Cape Henlopen School District.

Dress Code Violation - a direct violation of the set of rules which indicates the approved manner of dress.

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

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

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

Early Dismissal - leaving school grounds, with permission, prior to the end of the school day.

Eating/Drinking Outside the Cafeteria - the only substance acceptable is clear water in a clear bottle.

Excused Absence - Absence from school for reasons accepted by the Board and for which a note from a parent/guardian stating the reason for the absence and the date is presented to the appropriate school authority, or an in-school suspension.

Excused Tardy - Lateness for which an acceptable note from the parent/guardian stating the reason for the tardy and the date is presented to the appropriate school authority.

Expulsion - exclusion from school and school related activities for a period of time not to exceed one calendar year.

Extortion - obtaining or attempting to obtain money, goods or information from another source by force or threat of force.

False Alarm/Bomb Threat - intentional untrue warning signal.
Failure to Provide Identity when Requested - the act of not identifying one’s self to school personnel or emergency crew members with your legally proper name when requested.

Fighting - taking part in a physical struggle, unruly or turbulent behavior.

Fire Alarm Incident - tampering with a fire alarm device.

Firearm - means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

Forgery - falsely or fraudulently signing or altering a document for the purpose of deception or fraud such as a hall pass, progress report, or absence excuse.

Gambling - participation in games of chance for money or other things of value on school property or at school sponsored events.

Gang Like Behavior - Three (3) or more people committing at least one criminal act who may share common identities. (See Board Policy)

Harassment - to torment, trouble, or threaten by repeated verbal or physical action. (See Sexual Harassment Board Policy)

Hazing - See Anti-Hazing/Hazing Policy section.

HB (as in HB322) - House Bill; legislation that originated in the Delaware House of Representatives. The term is not used in this code unless the bill became law.

IEP (Individual Educational Plan) - a specific plan devised to assist special education students in reaching educational goals. (The IEP process is controlled by federal law.)

Improper Use of a Free or Reduced Lunch Card - any student that uses an unassigned student ID to purchase a free or reduced lunch.

Inappropriate Touching - touching another person in such a way as to cause discomfort.

Inhalants - something (such as an allergen or an anesthetic vapor) that is inhaled; often toxic, volatile substances (as spray paint, glue, or paint thinner) subject to abuse as recreational drugs by sniffing

In-School Suspension - the temporary placement of a student in a supervised area.

Insolence - to use bold, rude, or disrespectful insulting remarks or actions.

Loitering/Out of Assigned Area - a student’s unauthorized presence in a school area.

Look-alike Substance - any substance which appears to be, or about which a student makes an express or implied representation that the substance is, a drug, drug-like substance or non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See Del. C. Sec. 4752A.

Loss of Driving Privileges - the student may not drive or park on school property during school hours or during school related activities for a period of time determined by the Principal.

Lying - intentional distortion of the facts.

Make-up Work - assignments or tests that may be completed following an excused absence. The request for make-up work should be made within one (1) school day of the student’s return to school. It is the responsibility of the student to pick up work and complete.

Menacing/Threatening - creating fear in another person(s) through threatening movements or gestures directed toward that person(s); a movement or gesture toward another person that creates fear of bodily harm; a verbal or written statement that causes fear or apprehension.

Minor Violations - those violations of classroom or school rules not specifically covered by the student code and not life threatening or illegal.

Misuse of Technology - accessing, printing or distributing inappropriate materials. This may include but not limited to using cell phone, video or any means of inappropriate postings that are related to the disruption of the educational process.

NCAA - National Collegiate Athletic Association

Non-Prescription Medication - any over-the counter medication; some of these medications may be a “drug-like substance.”

Not Signing In - a student who fails to alert school authorities that they have returned to the building during the school day due to lateness or is returning after an early dismissal. The student needs to sign in at the school’s attendance office.

Obscene - to use lewd, disgusting, offensive, or repulsive materials, language, or gestures
Offensive Touching Employee and/or Student Victim - intentionally aggressive, insulting or obnoxious bodily contact with one another. Police Contact.
Open Display of Affection - hugging, kissing, or open sexual display.
Parent Contact or Conference - a telephone contact, written communication or meeting with a parent/legal guardian.
Paraphernalia - drug paraphernalia is any equipment, product, or material that is modified for making, using or concealing illegal drugs such as cocaine, heroin, marijuana, and methamphetamine. Drug paraphernalia also shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.
Pornography (Possession and Production) - sexually explicit pictures, writing, or other materials whose primary purpose is to cause sexual arousal, the presentation or production of this material and/or lurid or sensational material.
Possession/Distribution of Drugs, Drug Paraphernalia, Alcohol and/or Look Alike - Equipment, product, or material (defined in Section 4701 of Title 16 of the Delaware Code) that is modified from making, using, or concealing illegal drugs. Any non-controlled 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.
Possession of Weapons/Dangerous Destructive Instrument - Any weapon from which a shot may be discharged, including BB guns, a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, ice pick, nunchakus, and pocket knives or any item that may threaten the safety or intimidate others, or using common articles in an aggressive, threatening manner.
Prescription Drugs - any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del. C. Sec. 4701 (24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.
Principal - building/site administrator, includes the principal’s designee.
Profanity towards Student/Staff - use of abusive or profane language; cursing or swearing.
Prohibited Controlled Substances - See Drug, Alcohol, and Steroid Policy section.
Property Damage/Graffiti - drawing, painting, etching on public or private property.
Provoking a Fight - to incite, stimulate, or encourage a student or students to fight by verbal or physical activity.
Reckless Driving - operating a vehicle in willful or wanton disregard for the safety of persons or property.
Reckless Play - reckless behavior that could intentionally result in any injury.
Referral to the Courts - filing a charge of alleged illegal action over which the court has jurisdiction.
Referral to Social Services Agencies - a recommendation that the student seek help from a public or private social services agency.
Removal from Class - removing a student from class when the student’s conduct is disruptive or presents immediate danger of physical harm of either the student or others. The student will be assigned to a supervised area. The length of time will be determined by the building administrator or designee.
Reprimand - a verbal or written warning that behavior is not acceptable. The reprimand should identify the consequences of continued misbehavior.
Restitution - seeking the payment for or restoration of damaged property from the student(s) responsible. In no event is the District responsible for the restitution.
SB (as in SB304) - legislation that originated in the Delaware Senate; the term is not used in this code unless the bill became law.
School Environment - within or on school property, and/or at school sanctioned or supervised activities, including for example, on school grounds, on school buses, at functions held on school grounds, at extracurricular.
School Personnel - any person employed by the District on a permanent or temporary basis, or anyone authorized activities held on and off school grounds, on field trips and at functions held at the school in the evening to work on a voluntary basis.
School Review Committee - to be made up of local staff members. Committee tries to find a way to work with students who have multiple office referrals and/or detentions and may recommend disciplinary action and/or Central Review of the case.

Sexual Harassment - Sexual Harassment by District Students - See Board Policy

Sexual Misconduct - any sexual act including but not limited to: indecent exposure, unlawful sexual contact, incest, sexual extortion, rape, any sexual offense against a minor.

Skipping - failure to attend school without parent/guardian knowledge and written consent and/or leaving school grounds without valid permission.

Smoking - the use of any tobacco related products included but not limited to: cigarettes, snuff, chewing tobacco.

Stealing/Possession of Stolen Property - the act and/or knowledge of taking the property of another without permission of the owner.

Superintendent - the Chief School Officer of the District; includes the Superintendent’s designee.

Suspension - a student’s temporary exclusion from the school, school grounds, and all school related activities by a building administrator for a period not to exceed ten (10) school days without Board approval.

Suspension of Bus Privileges - the temporary or permanent withholding of bus transportation.

Tamper with Public Record - to interfere with written documents that create a harmful, disruptive environment or situation.

Tardiness to School - See Board Attendance Policy.

Tardiness to Class - See Board Attendance Policy.

Terrorist Threat (Employee and/or Student Victim) - the unlawful use or threatened use of force or violence by a person or a group against people or property with the intention of intimidating, frightening or coercing.

Theft - stealing

Threat - to declare an intention to inflict punishment, pain, or loss upon someone else either verbally or physically. A verbal or written statement that causes fear or apprehension.

Time-out - the temporary placement of a student in a supervised area.

Tobacco - any of various plants of the genus Nicotiana, especially N. tabacum, native to tropical America and widely cultivated for their leaves, which are used primarily for smoking and the leaves of these plants, dried and processed chiefly for use in cigarettes, cigars, snuff, or for smoking in pipes.

Trespassing - Being inside or on the property of the school, not having a legitimate reason for being there, not having written permission from anyone authorized to grant such permission.

Truancy - any unexcused absence. Three or more unexcused absences render parent liable Delaware Code (Title 14). Truancy is both a criminal offense punishable by fine and/or imprisonment and a violation of the Cape Henlopen Discipline Policy.

Unauthorized Student Protests - students are not permitted to assemble on school property without the pre-approved permission by the principal.

Unexcused Absence - an absence for a reason other than the twelve (12) valid reasons and/or absence with no note. Unexcused absence results in no credit for the missed school work.

Unlawful Sexual Contact III - a serious offense that is considered above the misdemeanor level as defined in State Law. See Board Policy - Sexual Harassment by District Students. Police Contact.

Unprepared for Physical Education (chronic) - a student that does not prepare for physical education classes who is subject to this habit or pattern of behavior for a long time.

Unsafe Items - see weapon/dangerous instrument term and definition.

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

Vandalism - willful or malicious destruction or defacement of property.

Violent Felony - one of several grave crimes, such as murder, rape, or burglary, punishable by a more stringent sentence than that given for a misdemeanor.
**Weapon/Dangerous Instrument** - any instrument from which a shot may be discharged, including the discharge of a pellet, slug, bullet, or BB shot by compressed air or by spring discharge; a knife of any sort; switchblade knife; billy; blackjack; bludgeon; metal knuckles; slingshot; razor; bicycle chain; ice pick; or any other article used to or designed to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes.

**Work Assignment** - an assigned task not exceeding eight (8) consecutive hours must be completed by the student as pertaining to the discipline code.

**Written Assignment** - an assignment which is non-repetitive and has educational merit.

As required by [Delaware Code](http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage) below is the link to Title 14, Section 600:

600 Discipline and School Climate
614 Uniform Definitions for Student Conduct Which may Result in Alternative Placement or Expulsion

http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage
Cape Henlopen School District

2017-2018
K-5
STUDENT CODE OF CONDUCT

H.O. Brittingham Elementary
Milton Elementary
Rehoboth Elementary
Richard A. Shields Elementary
Love Creek Elementary
Dear Families,

Welcome to the Cape Henlopen School District K-5 schools; H. O. Brittingham Elementary, Milton Elementary, Rehoboth Elementary, and Richard A. Shields Elementary. Our Board of Education, district and school staff are looking forward to a positive and successful experience as your child grows through our schools.

This booklet contains important information to help your child be safe and successful in school. It contains our K-5 Code of Conduct.

Student discipline codes have many purposes. One purpose is to provide a safe and orderly environment in which your children can learn and grow. Another is to furnish an educational tool through which our students learn to work, play, share, solve problems, and interact positively with peers and adults. An equally important purpose is to establish a means of insuring consistency so that all children are treated fairly and equitably. A student discipline code is an attempt to balance the rights of the collective student body and staff with the rights of each individual student within a positive learning environment.

This is an important booklet for each family to read and discuss together. As a parent or guardian, you will be asked to sign a document that states that you have received a copy of the booklet and that you will read and discuss it with your children. School personnel will review the rules with your children also; however, as your child's original, permanent, and best teacher, your attention is crucial. Please call your child's teacher or building administrator if you have questions. School psychologists and social workers are also able to answer questions and provide further information.

FYI – The Delaware State Police Bureau of Identification Sex Offender Central Registry website is located at: www.state.de.us/dsp/sexoff/index.htm

As required by Delaware Code below is the link to Title 14, Section 600:

600 Discipline and School Climate
614 Uniform Definitions for Student Conduct Which may Result in Alternative Placement or Expulsion

http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage
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CHAPTER I
INTRODUCTION
WHAT IS A GOOD SCHOOL?
A good school is a safe and orderly place where all students and teachers are respected and protected, where all persons are free from intimidation, discrimination, and violence, and where understanding and tolerance of individual differences are encouraged.

A good school is built upon mutual respect, positive attitudes and praise, fair and consistent policies and procedures, everyone trying to do his or her best to learn new things, and everyone taking good care of one another. It is a place where everyone is focused on learning and where there are very few disruptions or distractions. To have a good school there needs to be cooperation between administrators, staff, parents, and students.

Administrators need to:
- be helpful and supportive
- be firm, fair, and consistent
- be caring and understanding
- be knowledgeable about all aspects of the school
- communicate effectively with students, parents, staff and the community

Staff members need to:
- be helpful and supportive
- be firm, fair, and consistent
- be caring and understanding
- provide interesting and meaningful instruction
- provide classroom leadership and direction
- communicate effectively with students, parents, and the community

Parents need to:
- demonstrate interest in and support of learning
- participate in school activities and functions
- be a partner in their child’s education
- encourage their child to do his or her best at all times
- familiarize themselves with the Code of Conduct

Students need to:
- come to school on time and on a regular basis
- follow the rules and procedures of the school
- try their best at all times
- be responsible for their own work
- respect others and be helpful
- respect themselves
- settle disagreements peacefully
- be responsible for their own behaviors and actions

It is important that all children learn to be responsible for knowing our rules and following them in school. When children follow the rules, they help make our school a safe and fun place for everyone to learn. The rules are in effect on the bus, in school, on school grounds, on field trips, and at any other school sponsored activities or events.

STUDENT DRESS
Our schools do not expect everyone to act or dress the same. The schools do expect that students follow a modified dress code for the purpose of promoting safety and respect for the values of others.
Our K-5 students are physically active during the school day. Not only are they active in their classrooms, but they must move from place to place in busy hallways, stairways, in the cafeteria, on the playground, and on the school bus. With this in mind, it is a good idea to dress your child with the kind of clothing, shoes, and outerwear that would make the school day both safe and comfortable.

Students in grades 1-5 also participate in physical education as a related arts subject at least once a week. It is recommended that your child wear sneakers. Also girls should avoid wearing dresses or skirts on physical education days (or should have a pair of pants or shorts available to wear under dresses). Students generally have physical education the same day every week. Please check your child's schedule so that clothing can be planned accordingly.

We recognize that some of the younger children may need help with their clothing especially when using the bathroom. We are willing to assist our students; however, developing skills such as putting on coats and using the bathroom without assistance is a way to develop independence and a growing sense of self-confidence. With this in mind, it is helpful if students can be dressed in clothing that they can easily manage themselves. For instance, younger children can more easily manage pants with elastic waists. Belts, suspenders, and "overall" type pants can cause frustration.

In general, students who are dressed and ready for an active day in elementary school should have the following:

- Jeans, pants, sweat suits, shorts, shirts, dresses, or skirts which fit comfortably, cover all undergarments, and are not torn. Top and bottom garments need to overlap so that the top garment can be tucked inside.
- shoes worn at all times. Because of the potential for accidents on stairs, on the playground, and on the school bus, shoes should be kept tied at all times and "flip flop" type footwear is not recommended.
- hats worn in the school building only if prescribed by a physician or for religious reasons
- sunglasses worn in the school building only if prescribed by a physician

Jewelry or other accessories are allowed but please be sure to select items which are not sharp or pointed and would not be likely to cause an injury to your child or to another during our very active school day. Objects such as combs or pics cannot be worn in the hair.

Clothing and accessories worn by our students are expected to reflect the diversity of our student body as well as respect the value of our school as a child centered community. For this reason, any item which does not support this environment, such as clothing displaying obscene or vulgar language and/or pictures, references depicting and/or encouraging the use of drugs or alcohol, or clothing that is sexually suggestive, is not acceptable. It is also expected that clothing fads will be an ongoing part of growing up and therefore a part of the school. However, it is important that you ensure that your child's chosen fad or fashion does not place your child at risk for an injury, does not jeopardize the safety of others, and would not cause a disruption. For example, pants that are too large and worn below the hips can easily cause children to trip in busy hallways.

To assist in the comfort and safety of our K-5 students during the warmer months of school when outdoor play can become uncomfortably hot, tank tops are permitted; however, all tops must cover appropriate body parts. It is important to remember that tank tops are not permitted in grades 6-12.

If your child's clothing becomes a concern throughout the school day, your child's teacher will likely request help from the school nurse. The school nurse maintains a small supply of clothing that students may borrow because of toileting accidents or other safety/comfort needs. If your child needs to borrow clothing for any reason, we ask that you wash the clothing and return it to school as quickly as possible so that it can be made available to other students in need. If there is a problem with your child's clothing which we cannot seem to resolve in the school setting, the building administrator may contact you for assistance or to suggest ways of resolving the concern.
CHAPTER II
ATTENDANCE

See Board Policy 204

CHAPTER III
STUDENT GOVERNMENT, FREE SPEECH, AND SEARCH AND SEIZURE

In order for students to learn to the best of their abilities, the learning environment must be orderly, safe, and secure. Building administrators have the responsibility and authority to maintain this environment. The principal or designee may, at any time, conduct searches that are essential to the security, discipline, and sound administration of the school.

Students are guaranteed freedoms provided by law, which are consistent with protecting the health, safety, and welfare of all students and staff. Among those are:

- the right to express themselves through the democratic process
- the right to participate in, or be excused for religious reasons from, patriotic activities
- the right, with permission, to assemble peacefully on school property
- the right to freedom of speech through literature which is not commercial, obscene, libelous or disruptive
- the right to due process
- the right to freedom from unreasonable search and seizure

Further details about these rights and responsibilities are provided in the Appendix under the title, "Student rights and responsibilities". Additional discussion may be found in the Board Policy Book. A copy of this book is available for reference in each school office and the District Office.

CHAPTER IV
SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS

The Cape Henlopen Board of Education believes that every child should feel comfortable, safe and free to learn in our schools. In order for that to happen, there must be some rules about behavior that we cannot accept. These rules are designed so that negative behavior by some students does not get in the way of the safety and education of others. The right of one child to misbehave stops when it gets in the way of another child's right to an education and to be safe.

We are aware that sometimes children run into problems, sometimes with classes and sometimes with discipline. At all times, children and their parents have rights that we hope will help to make everyone feel more comfortable and know that we are trying to help children to grow to be strong, educated citizens in our society as adults.

It is important for children to know the rules and to know what they can expect when rules have been broken. The discipline rules and due process will be explained to all children at the beginning of the school year. Teachers will review and discuss the rules with all students to be sure that they are understood. We believe it is important that all children should feel comfortable that they know the rules, why they are important and the consequences if there is a problem following these rules.

DUE PROCESS

Prior to any disciplinary response being put in place, the student shall be afforded due process to include:

1. Be given oral and written notice of the alleged offense and, if the offense is denied, be given an explanation of the evidence known to school authorities.
2. Be given the opportunity to present the student’s side of the story. Students have the right to submit a statement in writing concerning any incident requiring discipline action, but are
not required to do so. Reasonable efforts will be made to notify parents/guardians of students making written statements.

3. Have had prior opportunity to know that the alleged offense was in violation of established rules and regulations.

4. In cases of suspension, be advised that the disciplinary response may be appealed by students 18 years of age or older and/or parents to the next administrative level, District Office, or State Board of Education (SBE).

SBE Appeals must be based on a written decision by the local school district board of education and will only be heard for suspensions of more than 10 days or offense expungement from a student’s educational record.

**STUDENT APPEAL**

An appeal is another name for a complaint. Students or their parents have the right to file an appeal if they think the student has been treated unfairly. A student appeal must be submitted to the building principal within 10 school days of the conference in which the student is notified of the consequence for a disciplinary referral.

In order that all appeals are treated in the same manner to be fair, the following procedure should be followed:

- The student and/or parent should request a conference with the teacher or person who they believe treated the student unfairly. This step is important so that the people involved can talk about problems and try to solve them as soon and as easily as possible. However, sometimes situations are very sensitive and a conference should begin at the third level.

- If the conference does not resolve the problem, the student or parent/guardian can talk to other people in the building. People such as the school psychologist, a home/school liaison, the social worker or an assistant principal are available and may be able to help solve the problem.

- If these two steps do not help resolve the problem, the student or parent/guardian should describe the problem in writing to the principal of the building. You can expect to have contact and be able to explain the situation with the principal within five school days. You can request a written statement by the principal of the reasons for the decision.

- If the problem is not resolved by the principal's decision, a student and parent/guardian has the right to appeal in writing to the Superintendent for a review of the situation. This has to be done within five (5) school days of the principal's written decision. The Superintendent, or her/his designee, will schedule a conference about the situation within five school days and will make a decision, in writing, within five school days after the conference. The decision of the Superintendent is final.

This process has a number of days attached at different levels so problems can be solved as soon as possible and we can help our children move past problems and forward in their education as smoothly and as quickly as possible.

**APPEALS PROCESS**

Parents/guardians and students 18 years of age or older may appeal disciplinary actions to the next administrative level (e.g. actions taken by the Dean of Students may be appealed to the Assistant Principal, actions taken by the Assistant Principal may be appealed to the Principal, actions taken by the Principal may be appealed to the Superintendent or Designee).
IN-SCHOOL SUSPENSION

In-School Suspension (ISS) is the temporary removal of a student from the area indicated by the regularly assigned schedule for a full day. Students assigned to in-school suspension will remain in school, but will be assigned to a designated, supervised area within the school.

Students assigned to in-school suspension are not permitted to participate in any extra-curricular activities during the length of their suspension.

A written notice must be mailed home for an ISS within the following day mail delivery after the processing of the suspension. The notification shall state the reason and duration of the suspension. If the suspension is for more than three (3) days, a definite time and date for a conference shall be scheduled at a place designated by the school administrator. The principal/designee is required to hold a conference, to include the parent and child, prior to the readmission of the student.

OUT-OF-SCHOOL SUSPENSION

Suspension is the temporary removal of a pupil from the regular school program for a period not to exceed five (5) school days. The Superintendent or designee, however, may extend a suspension past the five (5)-day period pending a decision on a principal's recommendation to expel for severe behavior offenses. While serving out-of-school suspension, a student is forbidden from being on the property of the District (this includes athletic fields, District Office, any after-school activities and/or extracurricular activities) for any reason unless accompanied by a parent or legal guardian to a pre-arranged appointment.

Prior to a suspension from school, the student shall be afforded due process as outlined above.

Prior to a student being suspended, verbal communication of the suspension (parent notice) will be attempted through the listed contact information provided by the parent/guardian. Suspended students should be picked up from school by the parent/guardian when the suspension is assigned. When direct phone communication is not successful, notification regarding the suspension will be left on a voice mail message and/or email, and the student will be retained at school until the end of the school day. A copy of the discipline referral will be sent home with the student.

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

A written notice must be mailed home for any Out-of-School Suspension within the following day mail delivery after the processing of the suspension. The notification shall state the reason and duration of the suspension.

After a suspension from school of up to three (3) days, the principal/designee is required to hold an in-person or phone conference prior to the readmission of the student. If the suspension is for three (3) or more days, the principal/designee is required to hold an in-person conference, to include the parent and child, prior to the readmission of the student. A definite time and date for a conference shall be scheduled at a place designated by the school administrator.
STUDENT HEARING PROCESSES & PROCEDURES

- Alternative placements
  Assignment to alternative programs is the removal of the student from the regular school program with placement in a program designed to meet the student’s particular needs. Alternative programs may be located at the student’s home school, another district school, or an approved site outside the District. Assignment to an available alternative program will be made according to procedures established for the program and must be approved by the District Alternative Placement Team.

- School Review Team Conference
  School Review Team Conference will be set by the school disciplinarian and appropriate school administrators and notification will be provided to the student’s parent and the student. To recommend Alternative Placement, the following criteria must be met:

  1. The meeting will be held in person.
  2. The Principal/Designee will explain the purpose of the meeting is to inform the parent/guardian and student:
     a. of the referral for Alternative Placement;
     b. that the student may be suspended pending the outcome of the Alternative Placement Team Meeting, and;
     c. of the procedures that will take place as follow-up to the referral for Alternative Placement.

- After the school has held a School Review Team Meeting and forwarded all required documentation to the district, Central Team Meeting will be scheduled.

  1. The Superintendent/Designee shall send written notice within three (3) business days to the parent/guardian describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

DISTRICT-LEVEL EXPULSION HEARING

State regulations define expulsion as “…the exclusion of a pupil from school.” Students expelled from any public school (in Delaware or any other state) are not permitted to attend any public school in Delaware during the period of expulsion. When a student commits a violation which may result in a recommendation for expulsion, the following procedures shall be followed:

Step I

  1. The student shall be suspended for a minimum of five (5) school days.
  2. The principal or designee shall make every effort to investigate all aspects of the discipline problem, including a conference with the student of the charges against him/her and to provide an opportunity to respond and to tell his/her side of the store. If possible, this conference shall be held prior to the student’s suspension.
  3. The principal or designee shall complete the investigation within three (3) school days of the incident.
  4. If at the completion of the investigation the principal or designee concludes the student committed the offense and the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit the recommendation to the Superintendent. The recommendation must be accompanied by a summary of the principal’s investigation and supported with other documentation attesting to supporting the violation.
5. If the Superintendent or designee does not concur with the recommendation for expulsion, alternative education placement may be issued to the student. The student and parent/guardian will be provided notification of alternative placement of which is not appealable to the Board of Education.

6. If the Superintendent or designee concurs with the recommendation for expulsion, the student’s case will proceed to Step II. In addition, the student’s suspension shall be extended pending a recommendation by the hearing officer as outlined in Step II of the hearing process.

Step II

1. The Superintendent or designee shall promptly (preferably within ten (10) school days from the date of the incident) notify the student and the student’s parent(s)/guardian(s) of the recommendation to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion. For students with disabilities as defined by Federal and State law and regulations, the Superintendent or designee shall, within ten (10) school days from the date of the manifestation meeting, notify the student and the student’s parent(s)/guardian(s) of intent to expel and of the date, time, and location for a formal hearing. The notice of recommendation to expel shall be sent by certified mail, stating the reasons for the expulsion and the time and place of the hearing. In addition, a copy of these procedures and the District Student Success Guide shall accompany the notice.

2. The formal hearing shall be held not less than seven (7) or more than twenty (20) school days promptly after the notice of intent to expel is given. An extension may be granted by agreement of all parties.

3. An impartial hearing officer shall conduct the formal hearing.

4. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The hearing officer, in conducting the hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witness shall be sworn by the hearing officer.

The student shall have the following rights:

1. To be represented by counsel, at the student’s expense.
2. To question any witnesses who testify and to receive a copy of any statements or affidavits of such witnesses.
3. To request that any witness appear in person and answer questions or be cross-examined (Student witnesses will not be excused from school or allowed to testify unless their parent(s)/guardian(s) have given written permission prior to the hearings.). The district will make efforts to arrange the appearance of witnesses requested by the student to the extent the witnesses can offer relevant, non-repetitive testimony.
4. To testify and produce witnesses on his/her behalf.
5. To obtain, at the student’s expense, a copy of the transcript of the formal hearing.

Following the formal hearing, the hearing officer shall prepared a written report summarizing the evidence and stating conclusion of fact. If the hearing officer’s recommendation is not to expel, the Superintendent or designee may issue administrative action/placement of which is not appealable to the Board of Education.
Step III

1. A recommendation by the hearing officer to expel shall be forwarded to the Board of Education.
2. Following a review of the hearing officer’s report, the transcripts, and then exhibits submitted at the hearing, the District Board shall decide whether or not to expel the student at the next scheduled District Board meeting. The duration of an expulsion is within the discretion of the District Board based upon the circumstances of each case.
3. During the period of time of the suspension pending the Board of Education decision, the student is eligible to receive work from his/her classes to be completed for credit.

Step IV

1. The parent/guardian of an expelled student may apply for the student’s readmission at the end of the expulsion period and must provide verification that all conditions for readmission have been met.
2. A student is prohibited from being on Cape Henlopen School District property or at any district event, regardless of location, during the expulsion period except when accompanied by a parent or guardian for a scheduled appointment with school officials.

STUDENTS WITH DISABILITIES

The Student Success Guide applies to all students. However, when enforcing the Guide, the district will comply with federal and state law pertaining to students with disabilities.

1. If a student with a disability, as defined by Federal and State law and regulations, is recommended for removal for more than ten (10) school days, either consecutively or cumulatively, in any one school year, or if expulsion is being recommended, a meeting of the student’s IEP team shall be conducted.
2. The student’s IEP team will consider whether the offense was a manifestation of the student’s disability.
3. If the IEP team determines the offense was a manifestation of the student’s disability, the IEP team shall modify the student’s educational program and/or placement accordingly.
4. If the IEP team determines that the offense is not a manifestation of the student’s disability, the student will be subject to the provisions of the Student Success Guide and disciplined accordingly.
5. In instances where the student with a disability presents a danger to him/her or others, or is as disruptive to the educational environment as to interfere with the rights of other students, emergency placement and/or removal may be sought by the District, including homebound instruction.
6. Students with disabilities and their parents and/or guardian should also refer to the Administrative Manual for Special Education Services available through the Delaware Department of Education.
CHAPTER V
STUDENT DISCIPLINE

INTRODUCTION

When children enter school, they must learn to form a line, walk quietly through the hallways, ride the bus safely and function cooperatively in the classrooms, cafeteria, and playground. To do this, they must learn that they have the responsibility to interact positively with many peers and adults.

INDIVIDUAL AND GROUP RIGHTS

In Chapters III and IV, the individual rights to learn, to be safe, to due process, and to be treated fairly were discussed. In order to be successful in school, children must be aware that these rights are also extended to others: their families and friends; their bus and classmates; and, adults on the bus, at school, and in the community.

DISCIPLINE

Discipline is the management of behavior. Much of early education is devoted to the teaching of self-discipline, helping children learn to manage their own behavior. Early and continual teaching comes from the family, other care-givers and the community. When a child enters school, new situations and larger groups intensify and expand the need for self-discipline. In school, the primary teacher of self-discipline is the classroom teacher. Classroom teachers and other supervisory adults must also ensure that the behavior of one child does not infringe on the rights of the group.

SUPERVISORY ORGANIZATION AND MANAGEMENT

All teachers and supervisory adults shall have discipline management plans which are based on district-wide, grade appropriate procedures. These shall be posted in each classroom, distributed to substitute staff, and sent home to parents. These plans reinforce and help children learn self-discipline. They also preserve the learning environment for all children in the group. Positive reinforcement, rewarding children as they succeed at following the rules, is included.

As in learning any new skill, a child's attempts at self-discipline are not always successful. At times, school personnel must intervene to protect the child as well as the rights of the other children and adults. When this happens, guidelines must be in place to ensure that the child's rights to due process and to be treated fairly are protected. These guidelines must also ensure that all children's rights to learn and to be safe are protected as are the adult's rights to be safe and to do their jobs.

The purposes of this section are as follows:

- to provide guidelines for school personnel so that they can protect the learning environment as well as individual and group rights
- to give families guidelines so that they can help their children understand the need for safety, order, and self-discipline
- to advise parents and other community members of the procedures as well as the resources that school personnel can provide
- to teach children when and how to seek help when they are upset or frustrated
- to help children learn to recognize limits and to set limits for themselves.

DISCIPLINE PROCEDURES

Please note: Our K-5 procedures acknowledge that classroom teachers and other supervisory adults are the primary managers of student behavior. It is not the intent of this code to replace the teaching of positive behavior through teacher praise and correction already existing in our
K-5 Code of Conduct

schools. These guidelines are meant to provide a framework for dealing with student behavior that is detrimental to the learning environment.

The suggested procedures have been divided into three levels.

Level I consists of discipline in the classroom according to the district's discipline procedures for K-5. These discipline procedures will be posted in each classroom and sent home to each family.

For levels II and III the teacher or other supervisory adult sends a disciplinary referral to the Principal. At level III, the Principal calls together the Student Support (or Human Resource) Team for the building. Whenever a child's behavior reaches Level II or above, the parents/guardians must be notified.
POSSIBLE CONSEQUENCES PER LEVEL

**LEVEL I: Classroom or "special" area**
Possible consequences, listed alphabetically, include but are not limited to the following:
- changing the student's seat
- parent conference
- verbal reprimand
- withholding an activity
- work assignment (an assigned task not exceeding two (2) hours which must be completed by the student)
- written assignment (an assignment which is non-repetitive and has educational merit) written apology

**Level II: Building administration (Principal or Assistant)**
Possible interventions, listed alphabetically, will include one or more of the following:
- assignment to "time-out"
- assignment of a mentor
- behavior agreement
- detailed weekly report
- group counseling
- parent conference
- referral to fire marshal
- referral to police (Youth Aid Officer)
- restitution, if appropriate
- suspension
- verbal reprimand

**Level III: Student Support (or Human Resource) Team**
This team is composed of at least one building administrator, the school psychologist and/or social worker, the school nurse, appropriate classroom teacher(s), special education coordinator/teacher (if appropriate), other staff as required.

Possible interventions, listed alphabetically, will include one or more of the following:
- agency referral
- assignment of a mentor
- assignment to "time-out"
- behavior agreement
- detailed weekly report to parents/guardians
- individual counseling
- parent conference
- referral to fire marshal
- referral to police (Youth Resource Officer)
- referral to psychologist
- referral to social worker
- referral to the Board of Education for consideration of expulsion
- restitution, if appropriate
- suggested referral to a health care provider
- suspension
- mandatory Board of Education hearing for sexual offenses which are punishable by law

Most parents are willing to attend parent conferences. School staff members are willing to work around parent schedules. There are a few parents who fail to attend conferences designed to discuss matters involving alleged violations of school rules. HB 322 (1997) was designed to permit the superintendent to have a subpoena issued to require parent attendance.

**STUDENT DISCIPLINE REFERRALS**

**Disruptive/Defiant Behavior (1-3)**

01 Disruption of school activity (class, hallway, cafeteria, assembly or other school activity)
Behavior which produces distractions, friction, or disturbances that interfere with the normal functioning of the teacher, the students, the class, or the school
02 Disobedience/insolence/lying
Disobedience/defiance: refusal by a student to comply with a directive given by school personnel;
Insolence: to use bold, rude, or disrespectful insulting remarks or actions;
Lying: intentional distortion of the facts

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

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Level I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second incident:</td>
<td>Level II</td>
</tr>
<tr>
<td>Third incident:</td>
<td>Level III</td>
</tr>
</tbody>
</table>

(More serious infractions may result in a Level II or III intervention on the first or second offense.)

Inappropriate Language (4-5)

04 Obscene language, materials, gestures.
Lewd, disgusting, offensive, or repulsive materials, language or gestures.

05 Defamatory or Demeaning Actions/Remarks
Actions or remarks, spoken or written by students that defame the dignity of self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or religious beliefs, family, sexual orientation, social or cultural background.

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Level I, II or III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second incident:</td>
<td>Next Level (II or III)</td>
</tr>
<tr>
<td>All subsequent incidents:</td>
<td>Level III</td>
</tr>
</tbody>
</table>

(More serious infractions may result in a Level II or III procedure on the first or second offense.)

Health/Safety Issues (6-9)

06 Possession of tobacco products/materials

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Level I or II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second and subsequent incidents:</td>
<td>Level III</td>
</tr>
</tbody>
</table>

07 Use of tobacco products/materials

08 Unauthorized area (includes unexcused during the school day)
Being in an area prohibited to the student at the time.

09 Reckless play/pushing/tripping/hitting/biting

<table>
<thead>
<tr>
<th>Interventions for 6-9</th>
<th>Level I or II</th>
</tr>
</thead>
<tbody>
<tr>
<td>First incident:</td>
<td>Level I or II</td>
</tr>
<tr>
<td>Second and subsequent incidents:</td>
<td>Level III</td>
</tr>
</tbody>
</table>
"Hands-on" behavior (by touch, threat, or encouragement) (10-14)

10 Stealing, possessing, transferring stolen goods
Taking, possessing, or transferring the property of another without consent of the owner.

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Level I, II or III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second incident:</td>
<td>Level II or III</td>
</tr>
<tr>
<td>All subsequent incidents:</td>
<td>Level III</td>
</tr>
</tbody>
</table>

11 Intimidation/threats
Bullying or threatening through words, gestures, or actions.

12 Provoking a fight
Instigating others to fight through one's verbal or physical activities.

13 Fighting
Aggressive physical contact between two or more people exchanging blows.

14 Vandalism and/or Destruction of school property or the property of another person on school property or school-related functions.

<table>
<thead>
<tr>
<th>Interventions for 10-14</th>
</tr>
</thead>
<tbody>
<tr>
<td>First incident:</td>
</tr>
<tr>
<td>Second and subsequent incidents:</td>
</tr>
</tbody>
</table>

Administrative Referrals (15-21)

15 Possession of communication devices
Communication devices such as, but not limited to, electronic pagers, cell phones, and other electronic signaling devices, ordinarily have no place in the school or on the bus and are prohibited. Authorization for student possession of communication devices in the school building during school hours or on the bus must be in writing from the school principal.

<table>
<thead>
<tr>
<th>First Offense:</th>
<th>Confiscation; returned to the student at the end of the day.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Offense:</td>
<td>Confiscation; returned to the student's parent(s) at parent conference</td>
</tr>
<tr>
<td>Third Offense:</td>
<td>Confiscation; returned to the student at the end of the school year.</td>
</tr>
</tbody>
</table>

16 Harassment
The Cape Henlopen Board of Education believes that all persons are entitled to a safe school environment where individual rights are protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's effort to support a positive learning environment, as well as in keeping with state and federal law, harassment of any kind will not be permitted. Further explanation of this can be found in Policies 222 and 223 in the Board of Education Policy Book.

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Level II or III</th>
</tr>
</thead>
<tbody>
<tr>
<td>All subsequent incidents:</td>
<td>Level III</td>
</tr>
</tbody>
</table>

17 Hazing (See Anti-hazing Policy)

| All incidents: | Level III |

18 Inappropriate or offensive touching
Touching another person in such a way as to cause discomfort

19 Possession/use/sale of alcohol and other drugs (See Alcohol/Drug Policy)
20 Inappropriate Behavior

Any inappropriate behavior that may result in referral to the police, including but not limited to: assault; assault and battery; extortion, sexual offenses which are punishable by law, possession of a weapon or dangerous instrument; possession of a look-alike weapon used with the intention to intimidate others; and, possession or release of potentially dangerous materials (including incendiary devices).

In compliance with the Federal “Gun Free Schools Act of 1994”, the District adopts the following policy: Possession of a firearm on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period not less than 180 days. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal or State Law. The procedures to implement this policy will be the student expulsion procedures outlined in the District’s Student Code of Conduct.

For purposes of this policy, “firearm” as defined in Section 921 of Title 18, United States Code.

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Level II or III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second and subsequent incidents:</td>
<td>Level III</td>
</tr>
</tbody>
</table>

21 Gang Related Activities (see Gang Related Activities policy)

<table>
<thead>
<tr>
<th>First incident:</th>
<th>Five days OSS, notification to District Office, behavior contract, and no return until parent conference with district office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second and subsequent incidents:</td>
<td>Recommendation to BOE for expulsion.</td>
</tr>
</tbody>
</table>

MANDATORY SCHOOL CRIME REPORTING LAW

A mandatory reporting process through which certain crimes committed by students on school property, including buses, fieldtrips, sports events and any school function within the State of Delaware must be reported to the police and when applicable to DOE (Department of Education).

The following require mandatory reports to police:
- violent felonies (all violent felonies that occur against students, school employees, and school volunteers must be reported)
- assault against a student, school employee or volunteer
- terroristic threatening against a school employee or volunteer
- offensive touching against a school employee or volunteer
- unlawful sexual contact against a student, school employee or volunteer
- possession of a dangerous instrument or deadly weapon by a student
- possession of an unlawful controlled substance including: prescription drugs, counterfeit drugs
- other crimes as listed in Delaware Code, Title 14, Section 4112.

In addition to these school crimes required to be reported pursuant to statute, the superintendent or designee shall report to the Department of Education.

The following require mandatory report to Department of Education:
- sexual harassment
- offensive touching (nonemployee or school volunteer)
- possession of pornography
- bomb threats
- criminal mischief (vandalism)
K-5 Code of Conduct

- tampering with public records
- possession and/or use of alcohol
- possession and/or use of deadly weapons, destructive weapons, dangerous instruments, incendiary devices or controlled substances
- felony theft ($1,000.00 or more)
- disorderly conduct/fighting
- terroristic threatening (nonemployee or school volunteer)
- bullying

CORPORAL PUNISHMENT

The Board of Education believes that the primary purposes of student discipline are to maintain a classroom atmosphere conducive to learning by all students and to teach students the responsibility and rewards of self-discipline. Students must know the limits of acceptable and unacceptable behavior or actions.

Effective discipline is positive rather than negative in nature. Reinforcing proper attitudes and behavior is preferable to punishing inappropriate behaviors. Good discipline should always be fair, dignified, and in good temper.

The use of corporal punishment is counterproductive. For purposes of this policy section, corporal punishment means the willful infliction of, willfully causing the infliction of, or willfully allowing the infliction of physical pain on a student. Corporal punishment includes but is not limited to the use of a paddle or stick on a student, blows to the head, hair-pulling, limb-twisting, slapping, shoving, or any other action which seeks to induce bodily pain. No Cape Henlopen School District employee may inflict or cause to be inflicted corporal punishment on a student.

This subsection of the discipline policy does not prohibit an official or professional employee of the Cape Henlopen School District from:

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

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

This policy will be reviewed yearly at the beginning of school by each school staff.
BUS POLICY

The State of Delaware requires that districts provide bus transportation privileges for eligible enrolled students within the district's boundaries. Within State requirements, local Boards of Education are authorized to establish policies and procedures to insure the safe and orderly transportation of their students. The purpose of this policy is to provide guidelines through which the rights and safety of passengers, drivers, and aides are protected.

All policies found in the Cape Henlopen School District Student Code of Conduct apply to every student boarding, riding, or exiting buses. Inappropriate student conduct creates a dangerous distraction to the driver and is insensitive to the rights of all individuals on the bus. In the event of serious or repeated violations, suspension of a student's bus privileges will occur. Additional consequences for violations of the Code of Conduct are found in the matrices of this policy.

All students and staff have the right to safety and respect on the bus as well as at school. To insure safety and respect, students need to follow all bus rules and behave as good citizens while being transported to and from school and school related activities. The bus driver is in charge of all students on the bus and should be shown proper respect and courtesy at all times. Loud and boisterous behavior on the buses will not be tolerated. Students who willfully disobey the directions of the driver could lose the privilege of bus transportation. Bus drivers also have the authority to assign students to specific seats. If a student fails to follow the rules and is referred by the driver to the school principal for discipline, consequences will occur as indicated in the appropriate matrix.

If a student's behavior on the bus is such that it causes physical harm or endangers the health, safety, or welfare of other students and/or staff on the bus, the administration may exceed the above policy and move to immediately suspend/revoke the student's bus privileges.

HIGHEST CONSEQUENCE

In the event that a student commits more than one violation in a single incident, the violation with the highest consequence will be acted upon by the building administrator or his/her designee. If it is determined in the administration's investigation that more than one incident occurred on a single bus trip, all incidents will be acted upon.

STUDENT RECORDS AND DETERMINATION OF LEVEL

In grades K-5, bus discipline records and building discipline records will not be combined in determining level of consequence.

PARENT/GUARDIAN NOTIFICATION AND RESPONSIBILITY FOR TRANSPORTATION OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM THE BUS

Attempts shall be made and documented to notify parents before a bus suspension takes effect, except in emergency situations necessary to protect the safety of individuals, property, or the integrity of the educational process. In such cases, the necessary notice will follow as soon as possible.

During the suspension of bus privileges, it shall be the parents'/guardians' responsibility to provide the student's transportation to school. Failure to attend school, due to the loss of bus privileges, is considered an unexcused absence. Suspension of bus privileges shall not be used as a disciplinary action for non-bus related violations.
APPEAL PROCESS

Bus suspension or expulsion may be appealed through the appeal procedure.

<table>
<thead>
<tr>
<th>Level</th>
<th>Consequences</th>
</tr>
</thead>
</table>
      | 2. Parents notified by bus driver.  
| B     | 1. Repeat A (above)  
      | 2. Parents notified by school.  
      | 3. One (1) day bus suspension. |
| C     | 1. Repeat A (1. and 2.) and B (1. and 2.)  
      | 2. Three (3) day bus suspension  
      | 3. Behavior Contract  
      | 4. Five (5) day bus suspension |
| D     | 1. Repeat A (1. and 2.) and B (1. and 2.)  
      | 2. Parent and student conference at District Office with Supervisor of Transportation  
      | 3. Behavior Contract  
      | 4. Five (5) day bus suspension |
| E     | Bus privileges revoked for remainder of school year inclusive of field trips |
| F     | 10 day bus suspension, possible bus expulsion; Referral to A-Team |
| G     | Bus expulsion; the length to be determined by the building administrator/designee and District Transportation Supervisor |

If a student's behavior on the bus is such that it causes physical harm or endangers the health, safety, or welfare of other students, the administration may exceed the above policy and move to immediately suspend/revoke the student's bus privileges for the remainder of the year. The bus matrix appears on the next page.

Use of any fire-causing product including, but not limited to, matches, lighters, tobacco products, or any other fire-producing device or instrument will result in the following:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>Mandatory ten (10) day bus suspension, referral to the A-Team; possible bus expulsion</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Bus expulsion</td>
</tr>
</tbody>
</table>

The length of any bus expulsion will be determined by the building administrator or designee and the district Transportation Specialist. Bus expulsion is defined as denial of bus transportation for a period of greater than 10 school days and not more than one calendar year. Appeal of bus suspension, as per the appeal process, may be made to the appropriate Director of Instruction.
## BUS DISCIPLINE MATRIX K-12

<table>
<thead>
<tr>
<th>INFRACTIONS</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>5th</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Improper Boarding/Departing Procedures *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>2. Bringing Articles of Objectionable Nature *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>3. Eating or Drinking on Bus *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>4. Failure To Remain Seated *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>5. Refusing To Obey Driver *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>6. Reckless Play – Pushing and Tripping *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>7. Hanging Out Of Window *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>8. Throwing Objects In or Out of Bus *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>9. Profanity *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>10. Spitting/Littering On or In the Bus *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>11. Unnecessary Noise *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>12. Tampering With Bus Equipment * (Restitution Required)</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>13. Destruction of Bus Property* (Restitution Required)</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
<tr>
<td>14. Rude, Discourteous and Annoying Conduct *</td>
<td>W</td>
<td>S1</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
</tr>
</tbody>
</table>

### MAJOR INFRACTIONS

<table>
<thead>
<tr>
<th>INFRACTIONS</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>5th</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Other Behaviors Relating to Safety, Well-Being and Respect for Self/Others</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>16. Provoking a Fight</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>17. Fighting</td>
<td>OSS 3</td>
<td>OSS 5</td>
<td>F</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>18. Profanity Towards Bus Staff</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>19. Bringing Articles that may cause Injury</td>
<td>S3</td>
<td>S5</td>
<td>E</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>20. Lighting Matches and/or Lighters on the Bus</td>
<td>S5</td>
<td>E</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>21. Smoking on the Bus</td>
<td>S5</td>
<td>E</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* Infractions count horizontally and vertically

** Consequence up to the discretion of building administrator

Serious Violations of 1-14 may fall to 15 at the discretion of the building administrator

Drivers contact parents for every referral. Administrator/Desigee contact made for every suspension.
CONDUCT OF STUDENTS OUT OF SCHOOL
The student discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of others. Such out-of-school conduct shall include, but is not limited to:

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

The Superintendent is notified by the Attorney General’s office and/or law enforcement authorities whenever a student is arrested for committing a misdemeanor or a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be reviewed. The District may take disciplinary action as outlined above. The District will not wait for adjudication of said misdemeanor or felony to proceed with alternative placement or expulsion procedures. A finding of “not guilty”, nolle proseque or dismissal of charges is not binding on the school district.

It is in the interest of the student concerned that there be a review of the case and that there be a means to assist in exploring educational options if needed. The review shall occur in accordance with the safeguards and consequences in the student codes of conduct. Please refer to the appropriate code of conduct for additional information including due process rights and possible options which may include alternative placement, suspension, and/or expulsion. Students who are of school age, living within the District, and who are currently withdrawn from school will be subject to the provisions of this policy.

SCHOOL-POLICE RELATIONSHIPS
To ensure that both students and parents are aware of the relationship between the school and the police agencies, you are advised that school officials shall promptly report to the appropriate police agency all police matters which come to their attention, whether occurring on or away from the school promises, which involve students attending the particular school.

The following offenses should be reported to the appropriate police agency for investigation:

A. All felonies.
B. Serious assaults when any weapon is used.
C. Report of explosives, knives, firearms, ammunition, fireworks or blasting caps being brought into school.
D. Narcotic offenses or allegations; drinking.
E. Indecent assaults on students or staff.
F. Rape or assault with intent to rape.
G. Morals offenses (pornography, exhibitionism, voyeurism).
H. Organized gambling (numbers and pools).
I. Neglect or abuse of children.
J. Contributing to the delinquency of minors.
K. Loitering on or near school property.
L. Unknown persons parked near schools at the time students are going to and from school.
M. Reckless driving and traffic hazards endangering lives of school children.
N. Telephoned threats to the school.
O. Arson, attempted arson, or suspicion of arson.
P. Rumors or observations of gang rivalries or activities.
Q. Reports of promiscuity or incest.
R. Evidence of threats or intimidation.
S. Larceny involving the personal property of school personnel.
T. Larceny involving school equipment.
U. Burglary and attempted burglary of school buildings.
V. Malicious mischief and school vandalism.
W. Trespassing on school property.
Police matters shall not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the schools. All school misconduct of a serious nature should be promptly reported to the parent/legal guardian of the involved student.

Correlated with SCHOOL/POLICE RELATIONS GUIDELINES FOR SCHOOL ADMINISTRATORS as approved by the State Board of Education on October 20, 1988.

STUDENT RIGHTS AND RESPONSIBILITIES

In order for students to learn to the best of their ability, the learning environment must be orderly, safe, and secure. Building administrators have the responsibility and authority to maintain such a learning environment. The Board of Education guarantees students the freedoms provided by law, consistent with protecting the due process rights, health, safety, and welfare of all students and staff.

Students shall be provided opportunities to express themselves and to act on school matters through democratic process. Students shall be given the opportunity to contribute their opinions and ideas to matters that affect the climate of the school. Students have the right to form and operate a student government within their school under the direction of a faculty advisor.

Students have the right to participate in patriotic activities or be excused from such activities if they are contrary to their religious beliefs or deep personal convictions. Students have the right to express their opinion, but this self-expression must not be obscene, libelous, or disruptive to the educational process.

Students have the right to assemble peacefully on school property at a time and place pre-approved by the principal.

Students have the right to possess, post, and distribute literature which is not commercial, obscene, libelous, or disruptive to the educational process and which adheres to District guidelines.

Students have the right to due process in all discipline at all levels.

Students shall be free from unreasonable search and seizure. This right is balanced by the school’s responsibility to protect the health, safety, and welfare of others. Student lockers and/or desks are school property and school authorities have the right to search lockers/desks at any time. Student personal property will not be searched unless an administrator or teacher has reasonable suspicion of a student’s use, possession, or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, drug paraphernalia or unauthorized possession of items which include but are not limited to: a weapon or dangerous instrument or stolen property.

Please note that schools are not held to the same criteria as the police in terms of probable cause. In matters of search and seizure, schools operate under the condition of reasonable suspicion in which the principal or designee conducting the search must have information that would cause a reasonably prudent person to suspect that the student is in possession of contraband material.

The district presumes a student possesses, and is therefore responsible for, all items in the student’s desk, locker, book bag, purse, or similar bag or container used to carry books or personal property. Students should regularly check the contents of these storage containers and report any contents that are not their property to their teacher or administrator. Students should secure their lockers, book bags, etc., and not provide others access to them as they are responsible for any items found inside.

Along with student rights comes the responsibility to be good citizens. This means following the policies and procedures, being considerate and understanding of others, and each doing his or her part to make the school the best it can be for all students and staff.
BULLY PREVENTION POLICY

See Board Policy 224

ANTI-HAZING POLICY

The Board of Education believes that hazing is an unacceptable behavior and will not be tolerated in the Cape Henlopen School District. This policy is adapted from Delaware Code (Title 14, Ch. 93).

"Hazing" means any action or situation which recklessly and intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in any organization operating under the sanction of or condition for continued membership in any organization operating under the sanction of or recognized as an organization of the Cape Henlopen School District. Examples include but are not limited to any physical brutality or forced physical activity, subjection of the individual to extreme mental stress, any forced activity which could adversely affect the mental health or dignity of the student, and/or any willful destruction or removal of public or private property. This policy applies regardless of the active participation and/or willingness of the individual to participate.

GANG RELATED ACTIVITIES

It is the Board’s expectation that this policy will apply in those gang related situations that are both severe and unique. It is also expected that district administrators will use good judgment in implementation and that the policy will be carefully reviewed with both parents and students.

The Cape Henlopen School District prohibits all gang related activities including but not limited to: gang dress, use of gang symbols or signs, gang name graffiti to advertise gang affiliation, soliciting membership for a gang, threats, or acts of violence against any one individual or group.

DRUG, ALCOHOL, AND STEROIDS

The Board of Education believes that drugs, alcohol and steroids have no place in the school environment and should be prohibited. This policy reflects the desire and intent of the Board to encourage Cape Henlopen students with substance abuse problems to come forward and seek help with treatment and counseling. It should be understood that state and District policies shall apply to all students except that with respect to disabled students, the Federal Law will be followed and determination of whether the violation of the drug, alcohol and steroid policy was due to the student’s disabling condition will be made prior to any discipline or change of placement in connection with the policy. The objectives of this policy are four-fold:

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

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

The Board recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the whole school community. The Board, accordingly, prohibits the possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia because they are wrong and harmful to students. The Board considers offenses related to drugs and alcohol very serious both for individuals involved and for the welfare of other students in the District.
Therefore, the following rules and regulations have been developed:

1. Any student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance, alcohol, a look-alike substance and/or drug paraphernalia while on school property or at school-related activities will be subject to the Code of Conduct’s disciplinary matrix. The investigation leading to the recommendation for discipline will be conducted at the school level by the discipline team led by the Principal or designee. The school recommendation will be reviewed at the District level. In cases involving special education students, the Board may, at its discretion, waive a hearing and accept the recommendation of the Child Study Team of the particular school.

2. Discipline shall be in accordance with due process rights and on the evidence presented by the administration. The student will be expelled for a term not to exceed one (1) calendar year from the date of the decision. The District will assist the family in exploring alternative educational options for the expelled student upon the request of the student and/or his/her parent/guardian. Students desiring credit for alternative education courses toward a high school diploma must have prior approval from the Cape Henlopen School District.

3. All violations of this policy are to be immediately reported to the school Principal who will verbally notify the student’s parent(s)/guardian(s) of the investigation. In all cases, The Youth Aid Division of the Delaware State Police will also be contacted. At all times the student’s due process rights and confidentiality rights are to be respected but after an informal meeting with the student, the Principal has the authority to suspend the student for up to ten (10) school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student’s parent(s)/guardian(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the Central Review Officer. If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student’s parent(s)/guardian(s) in writing and identify the time and place of the student’s hearing. This hearing should be held within ten (10) school days from the beginning of the student(s) suspension. If an exception is made to the time line, the school Board will provide homebound instruction to the student until such time as the Board or it’s hearing officer can convene to hear the student’s case.

4. All alcohol, drugs, drug-like substances, like-alike substances and/or drug paraphernalia found in a student’s possession shall be turned over to the Principal or designee and be made available for identification. All substances shall be sealed and documented and turned over to the police as potential evidence. A request for analysis shall be made where appropriate.

5. Students are responsible for their own actions. Students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student’s actions in accordance with this policy.

6. Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, shall be suspended from school for a minimum of five (5) days and suspended also from all participation in extracurricular activities, including sports and marching bands, for the remainder of the school year. Any student who violated the above policy more than one (1) time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and marching band, for one (1) calendar year from the date of the second incident. This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Cape Henlopen School Board. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Cape Henlopen School District’s Discipline Policy.
7. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are:
   a. those prescribed to a student by a licensed provider, or
   b. those which can be purchased over the counter for which the student has written permission from his/her parent or guardian.

Both are to be brought in the original labeled container to the school environment in the dosage or amounts prescribed, or for which written permission has been obtained. In all cases, they are to be delivered to the school nurse who will administer them.

In the case of some emergency medications including but not limited to prescription and prescription inhalers, nitroglycerin, and epi-pen, the student’s prescribing practitioner must write a note to the school nurse in advance if it is recommended that the student carry the medication with him/her.

Violations of the policy could result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

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

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

The Board is committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs and many other related activities. As one part of this program each year, this policy will be reviewed by the school administration with the total student body at the beginning of school. In addition, this policy will be reproduced and distributed to each District family with students in school. The Board has also designated the school nurse and/or psychologist in District elementary schools and guidance counselors and/or psychologists in the secondary schools as the professionals to which staff can refer students to receive initial counseling and to obtain information or counseling/treatment services available to the student in need. Issues involving student rights to services and confidentiality should be directed to the school Principal.

Each school contact person will keep a directory of available community and school resources for counseling and substance abuse treatment. It will be the responsibility of the contact person to work with staff to make them aware of the available resources and to help them to encourage students to seek support and assistance.

**NONCONTROLLED SUBSTANCES**

Possessing or transferring a drug-like or look-alike substance is not permitted on school property (Uniform Controlled Substances Act).

**EXTENDED REMOVAL FROM SCHOOL (EXPULSION OR ALTERNATIVE PLACEMENT)**

State Regulations define expulsion as “…the exclusion of a student from school”. When a student commits a violation which may result in a recommendation for extended removal from school, the following procedure shall be followed:
STEP I

A. The student shall be suspended for up to ten (10) school days.

B. The principal or designee shall make every reasonable effort to investigate all aspects of the discipline problem, including a conference to inform the student of the charges against him/her, and an opportunity to tell his/her side of the story.

C. The principal or designee shall complete his/her investigation within three (3) school days after the day of the incident under investigation.

   If the principal or designee determines that the student committed the offense and that the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit a summary of the principal’s or designee’s investigation, and the recommendation of expulsion of the Superintendent’s Office, if applicable.

D. If the Superintendent or designee concurs with the recommendation for expulsion, the student’s suspension shall be extended pending a recommendation by the hearing officer following the Step II formal hearing.

   If the Superintendent or designee does not concur with the recommendation for expulsion, the student may be returned to his school or alternatively placed the by the Superintendent.

STEP IIa: Alternative Placement Process

A. The Superintendent or his/her designee will notify in writing the student and the student’s parents or guardians of the intent to administratively place the student in an alternative educational setting.

B. Conditions to be met before readmission from an alternative placement will be set forth in the letter from the Superintendent or his/her designee.

   The duration of an alternative placement is within the discretion of the Superintendent or his/her designee based upon the circumstances of each case. An administrative placement shall not exceed 180 days unless compelling circumstances require the extension.

C. Prior to the alternative placement, the district Supervisor of Student Services or designee shall confer with the student and the student’s parents or guardians as outlined in the preceding section of this policy (Assignment to Educational Alternatives).

D. An alternatively placed student is prohibited from being within the Cape Henlopen School District environment during the term of the alternative placement except by appointment with a school district official for academic purposes. This prohibition includes all school, school-sanctioned, and school-related activities both on and off campus.

STEP IIb: Expulsion Hearing Process

If the Superintendent concurs with the recommendation from the Principal, the Superintendent or his/her designee shall, within ten (10) school days of the incident giving rise to expulsion recommendation, notify the student and the student’s parent(s) or guardian(s) of intent to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion.

   The notice of intent to expel shall be sent by certified mail or hand delivered, and the notice shall be accompanied by a copy of the rules of procedure for the conduct of expulsion hearings.

A. The formal hearing shall be held not less than three (3), nor more than eight (8) school days after the notice of intent to expel is issued. The time period may be extended by agreement of all parties.

B. The formal hearing shall be conducted by the Board of Education or a hearing officer.
C. The Board of Education or hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The Board of Education in conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The Board of Education shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal and cross-examination shall be excluded. The witnesses shall be sworn.

D. The student shall have the following rights:

1. To be represented by counsel, at the student's expense;
2. To question any witnesses who testify and receive a copy of any statements and/or affidavits of such witnesses;
3. To reasonably request that any relevant witnesses appear in person and answer questions or be cross-examined. Student witnesses will not be excused from school or allowed to testify unless their parent(s)/guardian(s) have given written permission;
4. To testify and produce witnesses on his/her behalf;
5. To obtain, upon written request, a copy of the transcript or tape of the formal hearing.

E. A student or the parent of a student under the age of 18 may elect to waive their right to a formal hearing. The administration will clearly inform the parent and/or student that they are waiving the following rights:

1. to have a hearing to determine the truth of the allegations and any reasonable and appropriate discipline, which may include expulsion;
2. to be represented by an adult of his/her choosing or by an attorney during the hearing;
3. to present witnesses and evidence on his/her behalf during the hearing;
4. to cross-examine any witnesses or question any evidence presented against him/her during the hearing; and
5. to appeal any decision of the Cape Henlopen Board of Education to the School Board of the State of Delaware.

By signing the “Waiver of Rights and Consent to Discipline” agreement, the parent/student consents to the discipline imposed by decision of the Board of Education, based upon the documents and information that it receives in executive session, without benefit of a hearing.

The “Waiver of Rights and Consent to Discipline” agreement must be signed prior to the scheduled hearing. The Board will take action on the case at the next regular meeting, workshop, or special meeting.

STEP III: Expulsion Notification

Within thirty (30) calendar days following the hearing, the Board shall decide whether to expel the student following a review of the evidence produced at the hearing. The Board's decision shall state conclusions of fact and the penalty to be imposed upon the student.

The student and family will be given exit advice on the educational options and rehabilitative counseling that may be available during the expulsion period. The duration of an expulsion is within the discretion of the Board based upon the circumstances of each case. An expulsion shall not exceed 180 days, unless compelling circumstances dictate an extension.

An expelled student is prohibited from being within the Cape Henlopen School District environment during the term of the expulsion except by appointment with a school district official for academic purposes. This prohibition includes all school, school-sanctioned, and school-related activities both on and off campus.

In accordance with Delaware state law, the district will submit to Motor Vehicle the names of expelled students who are 16 years of age or older or will become 16 during the term of expulsion.
State law provides for the removal or withholding of a driver's license from an expelled student.

A student who is expelled shall be denied attendance at any school or facility in the State of Delaware only in accordance with the regulation of the Department of Education.

STEP IV: Readmission from Alternative Placement or Expulsion

A. An expelled or alternatively placed student is eligible for readmission at the end of the period of expulsion or alternative placement. Parents/guardians must provide verification that all conditions have been met prior to readmission from expulsion or alternative placement.

B. In the case of a student expelled or alternatively placed as the result of Out-of-School Conduct (notification by the Attorney General's Office), a student may be eligible for readmission following adjudication of the case. The student and/or his/her parents or guardians may appeal for readmission in a written letter to the Superintendent that includes official court documents specifying the outcome of the case. The Superintendent or designee will consider the legal outcome of the case; however, since strict judicial rules of evidence do not apply to school districts as they do to legal proceedings, the reduction or dismissal of charges against a student does not necessarily repeal the decisions that led to expulsion or alternative placement.

C. Upon readmission to school, the student will be placed on a behavior contract for one (1) calendar year following the date of readmission. The student will be assigned to a counselor who will monitor his/her behavior, academic performance, and provide assistance for a period of at least one semester.

STUDENTS WITH DISABILITIES

A. In the case of students with disabilities, as defined in federal and state regulations, an Individual Educational Plan (IEP) Team meeting will be convened when a student has been suspended for more than ten (10) days, either consecutively or cumulatively, in any one school year, or if expulsion is being considered. When a student with disabilities has accumulated eight (8) days suspension, the student advisor is to notify the building special education department team leader in writing to ensure that appropriate action may be taken prior to reaching ten (10) days suspension.

B. Before expelling or suspending for more than ten (10) days a student with a known disability, the IEP Team will conduct a manifestation determination meeting.

C. If the IEP Team determines that the offense is a manifestation of the student’s disability, that a Behavior Improvement Plan was not developed, followed, or appropriate, or if there were any deficits in programming or placement, the student’s placement may not be changed.

D. If the IEP Team determines that the offense is not a manifestation of the student’s disability, the district will follow the Student Code of Conduct, but the student will be afforded the right to continue to make meaningful educational progress.

E. In instances where the disabled student presents a danger to himself or others, or is so disruptive to the educational environment as to interfere with the rights of other students to benefit from an education, emergency placement may be invoked by the District, including homebound instruction, to the extent afforded by law.

F. Timelines for suspension and scheduling of expulsion hearings may need to be extended as a result of time and procedural requirements established by federal and state guidelines related to the IEP team process. The IEP team shall consider educational services and placement during the time of suspension, pending any expulsion proceedings, and beyond.
GLOSSARY (As used in this Code:)

Absence - missing school time for either an excused or unexcused reason. Absences are reported and calculated by whole days or fractions adding to whole days.

Acceptable Use Policy - the terms and conditions for use of telecommunications and educational technology applications at Cape Henlopen School District.

Adult Student - a student who has reached the age of 18.

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

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

Aggravated Assault - assault with a weapon or dangerous instrument.

Assault - recklessly or intentionally physically injuring another person.

Assault and Battery - an unlawful physical attack resulting in injury to another.

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

Attorney General Report - notification of off campus inappropriate student behavior.

Behavior Contract - an agreement between a student, the student's parent(s) or guardians, and an administrator following inappropriate behaviors, which specifically states the conditions that, unless met, will result in a recommendation for further disciplinary action.

Board of Education (School Board) - the seven member committee, elected by the community, to govern the District. The Board makes and reviews policies that are put into practice by the employees of the school district. Each member of the Board is elected to a five year term.

Breaking and Entering - the illegal and unauthorized entry into School District buildings or vehicles.

Bullying - repeated, intentional, written, electronic, verbal or physical act or actions against another person, which directly or indirectly causes physical injury, mental injury or discomfort (See Board Policy).

Central Review Officer - a person appointed by the Superintendent to conduct the Central Review Process.

Central Review Process - the process for considering a School Review Committee’s recommendation for expulsion in terms of investigative and administrative procedures, as well as regarding compliance with Board Policy. The process is carried out by the Central Review Officer who then submits a recommendation to the Superintendent.

Cheating/Plagiarism - to be dishonest or deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving or receiving answers, test questions, work results, projects or writings from another person and pass them off as one’s own.

Class Cutting - missing 10 or more minutes of a single class without cause. Students must have prior written approval from sending and receiving staff for arrangements to miss an assigned class to attend another class during that time.

Code - the Student Code of Conduct.

Communication Devices - included but not limited to: electronic pagers, cell phones, and other electronic signaling devices.

Criminal Mischief - intentionally recklessly damaging or tampering with the property of another.

CST (Child Study Team) - a school committee formed to provide student assistance including but not limited to: a member of the building administration, psychologist, special education coordinator, and regular classroom teacher(s).

Defamatory or Demeaning Actions/Remarks - actions or remarks, spoken or written by students that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or
K-5 Code of Conduct

relax beliefs, family, sexual orientation, social, or cultural background.

Del C. - The Delaware Code contains the body of State law. Title 14 of the Delaware Code contains State law regarding education.

Defiance - the act or attitude of resistance to comply with a directive given by school personnel.

Department of Education - the State agency serving under the Secretary of Education to provide resources and guidance to the school districts.

Destructive Device - means (A) any explosive, incendiary, or poison gas such as a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses; (B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designated or intended for use in converting any device into any destructive device in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

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

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

Disorderly Conduct - an offense involving disturbance of the public peace and decency.

Disrespect including Insubordination - refusal to comply with a reasonable request from any adult.

Disruption - behavior causing distractions, frictions, or disturbances seriously or repeatedly interfering with: a teacher’s ability to provide instruction; a school activity; maintaining order on the bus, in hallways or common areas.

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

Distribute, Distributing, or Distribution - the transfer or attempted transfer of alcohol, a Delaware Code, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.

District - the Cape Henlopen School District.

Dress Code Violation - a direct violation of the set of rules which indicates the approved manner of dress.

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

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

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

Early Dismissal - leaving school grounds, with permission, prior to the end of the school day.

Eating/Drinking Outside the Cafeteria - the only substance acceptable is clear water in a clear bottle.

Excused Absence - Absence from school for reasons accepted by the Board and for which a note from a parent/guardian stating the reason for the absence and the date is presented to the appropriate school authority, or an in-school suspension.

Excused Tardy Lateness for which an acceptable note from the parent/guardian stating the reason for the tardy and the date is presented to the appropriate school authority.
Expulsion - exclusion from school and school related activities for a period of time not to exceed one calendar year.
Extortion - obtaining or attempting to obtain money, goods or information from another source by force or threat of force.
False Alarm/Bomb Threat - intentional untrue warning signal.
Failure to Provide Identity when Requested - the act of not identifying one’s self to school personnel or emergency crew members with your legally proper name when requested.
Fighting - taking part in a physical struggle, unruly or turbulent behavior.
Fire Alarm Incident - tampering with a fire alarm device.
Firearm - means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
Forgery - falsely or fraudulently signing or altering a document for the purpose of deception or fraud such as a hall pass, progress report, or absence excuse.
Gambling - participation in games of chance for money or other things of value on school property or at school sponsored events.
Gang Like Behavior - Three (3) or more people committing at least one criminal act who may share common identities. (See Board Policy)
Harassment - to torment, trouble, or threaten by repeated verbal or physical action. (See Sexual Harassment Board Policy)
Hazing - See Anti-Hazing/Hazing Policy section.
HB (as in HB322) - House Bill; legislation that originated in the Delaware House of Representatives. The term is not used in this code unless the bill became law.
IEP (Individual Educational Plan) - a specific plan devised to assist special education students in reaching educational goals. (The IEP process is controlled by federal law.)
Improper Use of a Free or Reduced Lunch Card - any student that uses an unassigned student ID to purchase a free or reduced lunch.
Inappropriate Touching - touching another person in such a way as to cause discomfort.
Inhalants - something (such as an allergen or an anesthetic vapor) that is inhaled; often toxic, volatile substances (as spray paint, glue, or paint thinner) subject to abuse as recreational drugs by sniffing
In-School Suspension - the temporary placement of a student in a supervised area.
Insolence - to use bold, rude, or disrespectful insulting remarks or actions.
Loitering/Out of Assigned Area - a student’s unauthorized presence in a school area.
Look-alike Substance - any substance which appears to be, or about which a student makes an express or implied representation that the substance is, a drug, drug-like substance or non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See Del. C. Sec. 4752A.
Loss of Driving Privileges - the student may not drive or park on school property during school hours or during school related activities for a period of time determined by the Principal.
Lying - intentional distortion of the facts.
Make-up Work - assignments or tests that may be completed following an excused absence. The request for make-up work should be made within one (1) school day of the student’s return to school. It is the responsibility of the student to pick up work and complete.
Menacing/Threatening - creating fear in another person(s) through threatening movements or gestures directed toward that person(s); a movement or gesture toward another person that creates fear of bodily harm; a verbal or written statement that causes fear or apprehension.
Minor Violations - those violations of classroom or school rules not specifically covered by the student code and not life threatening or illegal.
Misdemeanor of Technology - accessing, printing or distributing inappropriate materials. This may include but not limited to using cell phone, video or any means of inappropriate postings that are related to the disruption of the educational process.
NCAA - National Collegiate Athletic Association
Non-Prescription Medication - any over-the-counter medication; some of these medications may be a “drug-like substance.”

Not Signing In - a student who fails to alert school authorities that they have returned to the building during the school day due to lateness or is returning after an early dismissal. The student needs to sign in at the school’s attendance office.

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

Offensive Touching Employee and/or Student Victim - intentionally aggressive, insulting or obnoxious bodily contact with one another. Police Contact.

Open Display of Affection - hugging, kissing, or open sexual display.

Parent Contact or Conference - a telephone contact, written communication or meeting with a parent/legal guardian.

Paraphernalia - drug paraphernalia is any equipment, product, or material that is modified for making, using or concealing illegal drugs such as cocaine, heroin, marijuana, and methamphetamine, drug paraphernalia also shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.

Pornography (Possession and Production) - sexually explicit pictures, writing, or other materials whose primary purpose is to cause sexual arousal, the presentation or production of this material and/or lurid or sensational material.

Possession/Distribution of Drugs, Drug Paraphernalia, Alcohol and/or Look Alike - Equipment, product, or material (defined in Section 4701 of Title 16 of the Delaware Code) that is modified from making, using, or concealing illegal drugs. Any non-controlled 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.

Possession of Weapons/Dangerous Destructive Instrument - Any weapon from which a shot may be discharged, including BB guns, a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, ice pick, nunchakus, and pocket knives or any item that may threaten the safety or intimidate others, or using common articles in an aggressive, threatening manner.

Prescription Drugs - any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del. C. Sec. 4701 (24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.

Principal - building/site administrator, includes the principal’s designee.

Profanity towards Student/Staff - use of abusive or profane language; cursing or swearing.

Prohibited Controlled Substances - See Drug, Alcohol, and Steroid Policy section.

Property Damage/Graffiti - drawing, painting, etching on public or private property.

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

Reckless Driving - operating a vehicle in willful or wanton disregard for the safety of persons or property.

Reckless Play - reckless behavior that could intentionally result in any injury.

Referral to the Courts - filing a charge of alleged illegal action over which the court has jurisdiction.

Referral to Social Services Agencies - a recommendation that the student seek help from a public or private social services agency.

Removal from Class - removing a student from class when the student’s conduct is disruptive or presents immediate danger of physical harm of either the student or others. The student will be assigned to a supervised area. The length of time will be determined by the building administrator or designee.

Reprimand - a verbal or written warning that behavior is not acceptable. The reprimand should identify the consequences of continued misbehavior.

Restitution - seeking the payment for or restoration of damaged property from the student(s) responsible. In no event is the District responsible for the restitution.
SB (as in SB304) - legislation that originated in the Delaware Senate; the term is not used in this code unless the bill became law.

School Environment - within or on school property, and/or at school sanctioned or supervised activities, including for example, on school grounds, on school buses, at functions held on school grounds, at extracurricular.

School Personnel - any person employed by the District on a permanent or temporary basis, or anyone authorized activities held on and off school grounds, on field trips and at functions held at the school in the evening to work on a voluntary basis.

School Review Committee - to be made up of local staff members. Committee tries to find a way to work with students who have multiple office referrals and/or detentions and may recommend disciplinary action and/or Central Review of the case.

Sexual Harassment - Sexual Harassment by District Students - See Board Policy

Sexual Misconduct - any sexual act including but not limited to: indecent exposure, unlawful sexual contact, incest, sexual extortion, rape, any sexual offense against a minor.

Skipping - failure to attend school without parent/guardian knowledge and written consent and/or leaving school grounds without valid permission.

Smoking - the use of any tobacco related products included but not limited to: cigarettes, snuff, chewing tobacco.

Stealing/Possession of Stolen Property - the act and/or knowledge of taking the property of another without permission of the owner.

Superintendent - the Chief School Officer of the District; includes the Superintendent’s designee.

Suspension - a student’s temporary exclusion from the school, school grounds, and all school related activities by a building administrator for a period not to exceed ten (10) school days without Board approval.

Suspension of Bus Privileges - the temporary or permanent withholding of bus transportation.

Tamper with Public Record - to interfere with written documents that create a harmful, disruptive environment or situation.

Tardiness to School - See Board Attendance Policy.

Tardiness to Class - See Board Attendance Policy.

Terrorist Threat (Employee and/or Student Victim) - the unlawful use or threatened use of force or violence by a person or a group against people or property with the intention of intimidating, frightening or coercing.

Theft - stealing

Threat - to declare an intention to inflict punishment, pain, or loss upon someone else either verbally or physically. A verbal or written statement that causes fear or apprehension.

Time-out - the temporary placement of a student in a supervised area.

Tobacco - any of various plants of the genus *Nicotiana*, especially *N. tabacum*, native to tropical America and widely cultivated for their leaves, which are used primarily for smoking and the leaves of these plants, dried and processed chiefly for use in cigarettes, cigars, snuff, or for smoking in pipes.

Trespassing - Being inside or on the property of the school, not having a legitimate reason for being there, not having written permission from anyone authorized to grant such permission.

Truancy - any unexcused absence. Three or more unexcused absences render parent liable Delaware Code (Title 14). Truancy is both a criminal offense punishable by fine and/or imprisonment and a violation of the Cape Henlopen Discipline Policy.

Unauthorized Student Protests - students are not permitted to assemble on school property without the pre-approved permission by the principal.

Unexcused Absence - an absence for a reason other than the twelve (12) valid reasons and/or absence with no note. Unexcused absence results in no credit for the missed school work.

Unlawful Sexual Contact III - a serious offense that is considered above the misdemeanor level as defined in State Law. See Board Policy - Sexual Harassment by District Students. Police Contact.
**Unprepared for Physical Education (chronic)** - a student that does not prepare for physical education classes who is subject to this habit or pattern of behavior for a long time.

**Unsafe Items** - see weapon/dangerous instrument term and definition.

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

**Vandalism** - willful or malicious destruction or defacement of property.

**Violent Felony** - one of several grave crimes, such as murder, rape, or burglary, punishable by a more stringent sentence than that given for a misdemeanor.

**Weapon/Dangerous Instrument** - any instrument from which a shot may be discharged, including the discharge of a pellet, slug, bullet, or BB shot by compressed air or by spring discharge; a knife of any sort; switchblade knife; billy; blackjack; bludgeon; metal knuckles; slingshot; razor; bicycle chain; ice pick; or any other article used to or designed to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes.

**Work Assignment** - an assigned task not exceeding eight (8) consecutive hours must be completed by the student as pertaining to the discipline code.

**Written Assignment** - an assignment which is non-repetitive and has educational merit.
The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this district and one that cannot be imposed without due process. The Board may, after a proper hearing, suspend a child for such time as it deems necessary or may expel him/her.

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

SUSPENSIONS

The primary purpose of suspension of a pupil is to allow adequate time for proper investigation of the given situation followed by conference including conference with parents and the pupil, when appropriate. In cases involving possible recommendations for expulsion or exclusion, the school review committee in its recommendation to the Superintendent, shall recommend appropriate alternative educational opportunities during the period prior to a Board decision.

Student suspensions will take effect no more than two school days from the time of violation.

EXPULSION

Only the Board of Education may expel a student from school for violation of District Policy. In general, the act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented by the administration. A student will be expelled for not more than 180 days. Expelled students may be offered the opportunity to earn credit through alternative programming.

REENTERING

Students will begin the school year with a clean discipline record with the exception of (a) students who have been previously expelled from school and (b) students who end the school year at the point of a 5-day suspension, superintendent or designee conference.

1. An expelled student can reenter school the following year under a behavior contract agreed upon by the principal, superintendent or designee and the student/parents.

2. Students at the point of a 5-day suspension, superintendent or designee conference will begin school with their record reduced two levels.

Adopted: June 26, 1986
Revisions: April 6, 2006
The Board of Education of the Cape Henlopen School District adopts and promulgates the following Rules of Procedure, which shall govern all formal student hearings before the Hearing Officer. These Rules shall not apply to conferences or other informal investigations or proceedings at or upon which no formal ruling or decision is made by the Board of Education.

In the event of an emergency, and a hearing officer is unavailable, the hearing will be conducted before the Board of Education and all reference to the hearing officer in this policy will be replaced by the Board of Education. In the event that the hearing is conducted by the Board of Education, the President of the Board of Education, or attorney representing the Boards, will act as the hearing officer.

I. NOTICE OF HEARING

When it comes to the attention of the Superintendent or designee that the Administrative Staff is recommending that a student disciplinary matter be referred to the Hearing Officer for hearing and disposition, the Superintendent or designee shall cause a letter to be mailed to the student and the student's parent or guardian by certified mail, return receipt requested, and by a separate, unmarked envelope (by mail) at the same time, informing them of the charges or allegations being made against the student which are to be the subject of a hearing before the Hearing Officer. The letter shall advise the student and the student's parent or guardian of the student's procedural rights regarding the conduct of the hearing, and a copy of these Rules of Procedure shall be included therein, along with pertinent information stating the nature of the alleged charges or violations. All student hearings will be held within ten (10) school days of the alleged violation and/or school suspension.

The letter containing the notice of hearing shall specifically advise the student of the following rights:

A. You have the right to be represented by legal counsel or any other advisor or spokesperson. If you plan to bring an attorney to the hearing with you, please notify the Superintendent or designee immediately since they reserve the right to have their own attorney present in situations where the student will be represented by an attorney.

B. You have the right to make a statement or to testify in your own behalf and to present other witnesses to testify in your behalf concerning your case. You also have the right to cross-examine any persons who testify against you concerning the charges.

C. You have the right to a public or private hearing. Unless you request otherwise, this will be a private hearing where the Hearing Officer will hear you, your parent, and/or any other witnesses who will testify in your behalf, and those members of School District Administrative Staff and others who will testify against you.

D. A record of the hearing will be made by tape recorder or other suitable recording device, and the same will be preserved for a period of sixty (60) days and will be made available to you for your use if you decide to appeal your case to the State Board of Education. You have the right to appeal the decision of the Board to the State Board of Education by filing with the State Board a Notice of Appeal within thirty (30) days after you receive the decision of the Cape Henlopen Board of Education in your case.

E. A written notice of the Board's decision concerning your case will be forwarded to you by certified mail after it is made.
II. ORDER OF PROCEDURE - PRELIMINARY MATTERS

A. The Hearing Officer will announce that the hearing is being conducted under the provisions of the Board's Rules governing the conduct of formal student hearings in disciplinary matters. The hearing officer will declare the hearing to be open and will inquire as to whether the Superintendent or designee has met the requirements for giving notice of the hearing as specified in Section I above.

B. The Superintendent or designee shall produce a copy of the notice of hearing letter mailed to the student and parent or guardian together with the return receipt showing delivery or refusal of delivery.

C. The Hearing Officer will inquire as to whether the student is represented by an attorney or has chosen a designated spokesperson to speak on the student's behalf.

III. ORDER OF PROCEDURE - PRESENTATION OF EVIDENCE

A. Opening Statements

Opening statements may be offered to the Hearing Officer, with the Central Review Officer or Administrative Staff Member (or attorney) presenting the case having the first opportunity, then followed by the student, designated representative or attorney. The hearing officer may limit the duration of opening and/or closing statements.

B. The charges or evidence against the student will be presented by the Central Review Officer or a designated member of the Administrative Staff of the District (or the attorney representing the Administration) who can testify to matters within his/her knowledge or present other witnesses who will testify regarding the occurrence of the alleged violation or act. (All testimony will be under oath.)

1. Opportunity will be given at the conclusion of testimony of each witness for the student or student's representative or attorney to cross examine each witness against the student.

2. The Hearing Officer will be given the opportunity to examine each witness concerning the facts related to the incident or incidents which gave rise to the hearing.

C. The student or student's designated representative or attorney will be given the opportunity to present evidence through testimony of the student and/or any other witness on the student's behalf concerning the charges or alleged violation.

1. Opportunity will be given at the conclusion of testimony of each witness for cross examination by the Central Review Officer or member of the Administrative Staff (or attorney) presenting the case to the Hearing Officer.
2. The Hearing Officer will be given the right to examine each witness.

D. The Central Review Officer or Administrative Staff will be given an opportunity to present any testimony in rebuttal to that offered by or on behalf of the student, including the calling or recalling of witnesses to testify in rebuttal.

  1. Opportunity will be given for cross examination of each witness by the student or his/her representative or attorney.
  2. The Hearing Officer may question any rebuttal witness again.

E. Closing Statements

Closing statements summarizing the evidence given may be offered to the Hearing Officer, with the Central Review Officer or Administrative Staff Member (or attorney) presenting the case to the Hearing Officer having the first and last opportunity to address the Hearing Officer. Opening or closing statements not given in testimonial manner by a witness testifying to matters within his/her own knowledge are not to be considered as evidence. Rather, they shall be treated as argument as to the evidence presented.

F. The Hearing Officer will declare the hearing to be terminated and will advise the student that the Board will render a decision at the next scheduled Board Meeting based on recommendation report of Hearing Officer reported by Superintendent. Review is by majority and based solely on report from hearing Officer, record of District level expulsion hearing, and written responses, if any by student/parent/guardian. Board may accept, reject or modify recommendation with or without services. Within 10 business/school days of the conclusion of the Board, the Board, through its designee, shall submit its decision to the student and the student's parent or guardian by certified mail; return receipt requested.

IV. GENERAL HEARING PROCEDURES

A. The Hearing Officer will conduct the hearing and rule on the admissibility of evidence.

B. All evidence is admissible which is relevant, material, reliable and probative, but which is not unduly repetitious or cumulative.

C. Objections to the admission of evidence shall be brief and shall state the ground for such objections. Objections with regard to the form of question will be considered.

D. Strict judicial rules of evidence shall not be applicable to hearings conducted under these Rules; and in each case, the test of admissibility shall be whether the offered evidence is reasonably relevant to a material factual issue and whether it has substantial probative value with respect to a material issue. The presiding officer may limit or refuse to admit cumulative or repetitious evidence and may curtail redundant questioning.

E. All testimony shall be given under oath with the following form of each being used: "Do you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge?"
F. All parties to the controversy may be represented by counsel.

G. The Hearing Officer shall note in the minutes of the Board the names of the persons appearing and the name of their counsel if they are represented.

H. The Hearing Officer may continue, adjourn or postpone a hearing for good cause, upon application of or on behalf of the student or on its own application.

I. The Hearing Officer shall cause an electronic transcript of the hearing to be made by tape recorder or other suitable device. Said electronic transcript shall be destroyed if no request is made to present it within sixty (60) calendar days of the hearing decision being received by the student and the student's parent or guardian.

J. Any person who testifies as a witness shall be subject to cross-examination by the other parties in the order set forth in Section III above, unless otherwise determined by the Hearing Officer. Any witness is subject to examination by Hearing Officer.

K. Any documents introduced into evidence shall be marked by the Hearing Officer and shall be made a part of the record of the hearing. Documents introduced by the Central Review Officer or Administrative Staff Member shall be marked "School Exhibit", and all exhibits introduced by the student shall be marked "Student Exhibit", with the exhibits for each side bearing consecutive numerical designations, such as School Exhibit or Student Exhibit 1. The Hearing Officer shall prepare a record, listing the names of all persons present, their attorneys, the witnesses testifying for each side and shall list all exhibits introduced during the course of the hearing.

L. Burden of Proof

1. In a hearing on an application for re-admittance from administrative placement and/or expulsion, the burden of proof of rehabilitation rests with the student. In all other cases, the burden of proof rests with the administration.

M. On its own initiative or at the request of the student, the Hearing Officer may order that witnesses be separated and only called before the Hearing Officer while they are offering testimony. The Hearing Officer may recall witnesses as needed for additional testimony.

N. The Hearing Officer may consider customary school records and may take administrative notice of an official record or of its own acts, records and notes as evidence.

V. POST-HEARING PROCEDURES

A. Each decision and order of the Board shall be delivered in writing, with copies to all parties. Each decision and order shall set forth the findings of fact made by the Board and the conclusions based thereon, and shall state the specific disposition of the case with the penalties imposed in the event of a finding of guilt, and shall be provided to the student. Formal action of the Board shall be taken publicly at a Board meeting following the hearing by case number, but no other information will be released by the Board or School Administration, except as noted above.
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B. In the event of a finding of guilt and where expulsion is ordered as the penalty, in addition to providing a copy of the Board's decision to the student, the Board shall also provide the student with information concerning alternative instructional programs not operated by the School District, and shall provide a copy of current Board criteria for readmission following expulsion; and further, the student and his/her parent or guardian shall again be advised of the student's rights to appeal with the Superintendent of the State Department of Public Instruction within thirty (30) calendar days after receipt of the Board's decision.

C. Copies of the Board decision shall be mailed to the student, parent or guardian by certified mail, return receipt requested.
The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policy on sexual harassment has been adopted:

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the Civil Rights Act of 1964, which protects persons in the work place, and Title IX of the Educational Amendments of 1972, which protects persons from sex discrimination at school.

Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; verbal harassment or abuse; subtle pressure for sexual activity; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by implied threats relating to job or school performance and evaluation; and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- written contact: suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- visual contact: sexually suggestive looks or gestures; displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
- verbal contact: sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take 'the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- physical contact: uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- retaliation: any action taken or threatened against another person for complaining about any of the behaviors described above.
If you believe you are the subject of sexual harassment or if you become aware of an instance of sexual harassment, you should report the circumstances immediately to a teacher or the principal or assistant principal of your school, to the superintendent of the school district, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of sexual harassment concerning a school district student, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible.

A school district student who is found to have committed sexual harassment toward another student or staff member will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, the placing of the offending student on probation, suspension, expulsion, or the imposing of other disciplinary alternatives.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.
Based upon race, national origin, disability, religion, sexual orientation, or similar characteristic

The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policy on harassment has been adopted:

Harassment or misconduct that is based upon a person's race, national origin, disability, religion, sexual orientation, or similar characteristic by a student directed against or toward another person that occurs on the school district's premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic.

2. Oral or written words communicated by any student to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic.

3. Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.

4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in Nos. 1-3 above.

If you believe you or another person are the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion or intimidation to prevent a person from reporting harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible.
A school district student who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include placing the offender on probation, suspension, expulsion, or imposing other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy is consistent with the school district's Multicultural Policy.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.
The Cape Henlopen School District (hereinafter referred to as "The District") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and all employees.

I. Prohibition of Bullying Which Includes Cyberbullying

To further these goals and as required by 14 Del. C. §4112D, the District hereby prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network, or other electronic technology of a school district from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

"School function" includes any field trip or any officially sponsored public school event.

"School property" means any building, structure, athletic field, sports stadium, or real property that is owned, operated, leased or rented by any public school district including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school.

II. Definition of Bullying & Cyberbullying

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

1. Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or

2. Creating a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or

3. Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or

4. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

B. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student’s ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.
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1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.

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

Explanation: Bullying is usually defined as involving repeated acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone’s hands, shooting/throwing objects at someone, gesturing, etc.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone’s mistakes, using unwelcome nicknames, threatening

Relational bullying: Isolation of an individual from his or her peer group; spreading rumors.

Cyber-bullying: Bullying by using information and communication technologies. Cyber-bullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass;
2. Flaming: heated unequal argument online that includes making rude, insulting, or vulgar remarks;
3. Exclusion: isolating an individual from his or her peer group;
4. Impersonation: Using someone else’s screen name and pretending to be them;
5. Outing or Trickery: forwarding information or pictures meant to be private.

Sexual bullying: Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target’s sexuality or sexual activities.

This list should be used by way of example only, and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other district policies or building, classroom or program rules.

III. School-wide Bully Prevention Program

The District is committed to support each school in their adoption of a school-wide bully prevention program. Each school is directed to develop or adopt a school-wide bully prevention program that is research-based.

A. Each school will strive to meet these goals:
1. Reduce existing bullying problems among students
2. Prevent development of new bullying problems
3. Achieve better peer relations and staff-student connections at school

C. In order to be a school-wide program, the program must contain:

1. School-level components
   a. All school staff will strive to:
      i. Treat others with warmth, positive interest and involvement
      ii. Set firm limits for unacceptable behavior
      iii. Apply nonphysical, non-hostile negative consequences when rules are broken.
      iv. Act as authorities and positive role models.
      v. Solve bullying problems in a consistent manner across all grade levels and all school locations.
   b. A Coordinating Committee will be created, as described in Section IV of this policy.
   c. The school’s supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this policy.
   d. The following principles will apply to everyone on school property or at a school function:
      i. I will not bully others
      ii. I will try to help anyone that I suspect is being bullied
      iii. I will try to include students who are left out.
      iv. If someone is being bullied, I will tell an adult
   e. School-wide programs may also include a school kick-off event, committee and staff trainings, school-wide questionnaires, staff discussion group meetings, and programs to involve parents, as determined by the Coordinating Committee.

2. Classroom level components
   a. Post and enforce principles against bullying
   b. Regular, ongoing class meetings, discussions, or role playing activities
   c. Involve parents in bullying prevention
   d. Find creative ways to incorporate issues involving bullying into the regular curriculum.

3. Individual Level Components
   a. Supervise students’ activities
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b. Ensure that all staff intervene appropriately on the spot when suspected bullying occurs

c. Discuss bullying behavior with students who bully and (separately) with targets of bullying, and with their parents.

d. Develop Behavioral Intervention Plans for involved students, with a graduated response.

e. Address bystander involvement.

4. Community Level Components

a. Develop partnerships with community members to support your school’s program

b. Help spread anti-bullying message in the community

c. Involve community members in the Bully Prevention Coordinating Committee.

C. Resources and Curricula

A list of recommended supplemental materials and resources is attached hereto as Exhibit A. The District encourages staff to find or create appropriate bullying prevention resources that can be used within the overall structure set forth above without compromising the fidelity of the school-wide program. Classroom curricula may be used as one part of the implementation of the school-wide program, but must not be the sole component of the program.

D. When setting up their school wide bully prevention program, each school should avoid the following:

1. Relying on quick fixes. A one-time speaker may be one component of the program but by itself does not meet the requirements of a school wide program.

2. Providing group treatment or self-esteem programs for students who bully is inappropriate as research shows that these methods are counterproductive.

3. Focusing on anger control management for those who bully. Bullying is not a result of uncontrolled anger toward the target, but rather proactive aggressive behavior. Anger management may be more appropriate for participants in mutual conflicts or for those who are being bullied.

4. Providing Mediation/Conflict Resolution for bullying. The power imbalance involved in bullying may make the process intimidating for the victim and therefore inappropriate. These methods are useful only where the peers involved in conflict were formerly friends, or in situations of normal peer conflict that is not based on a power imbalance.

5. Exposing a specific victim’s feelings to the bully or class.

IV. Coordinating Committee

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

A. When setting up the Committee the principal may wish to consider including other persons in addition to those required, such as a school counselor, school psychologist or other school-based mental health professional, a school resource officer, a nurse, a librarian, or a representative from the medical, business or faith-based community who might have a stake in the results of the program. The principal should also decide on an appropriate award system for the committee, within available resources.

B. The Committee shall:

1. Hold regular meetings
2. Select a coordinator of the program
3. Consider, decide upon and coordinate any staff training sessions (beyond the 1 hour gang and bully prevention training required in 14 Del. C. 4123A), as needed.
4. Create and maintain a training log (either paper or electronic) to keep a record of the school staff which have been trained, and what training they have received. Decide upon the need for and provide short, concise training updates in writing or at staff meetings.
5. Consider, decide upon and oversee formal or informal evaluation techniques and materials (such as questionnaires), as needed
6. Consider, decide upon and order materials, as needed
7. Consider, decide upon and lead staff discussion groups as needed
8. Consider and decide upon additional guidelines for consistent positive consequences for those who follow the rules and consistent negative consequences for students who break them.
9. Review and refine the school supervisory system.
10. Plan a school kick-off event
11. Establish subcommittees, as needed
12. Decide upon and implement methods of notification to students, parents and the community concerning the school-wide program.

V. Reporting Requirements

Bullying is unacceptable, and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: students, staff, and parents to report instances of
bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously.

A. Any school employee who has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the school administration.

1. Initial Concerns
   a. Staff members are encouraged to watch for early signs of bullying and stop them before they worsen.
   b. Even though there has been no report of bullying to a staff member, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom inappropriate comments are made by other students, or who show signs of peer victimization.
   c. To confirm their concerns the staff member may choose to take the following steps:
      i. Intensify observations of student in question
      ii. Confer with colleagues about that student
      iii. Consult the school’s bullying database.
      iv. Take an informal survey of students about class climate
      v. Engage in short personal interviews with some students
      vi. Conduct a brief sociometric survey
      vii. Contact the parent to see how student likes school
      viii. Speak privately with the victim

2. Written Report
   a. If measures confirm the staff member’s concerns that a student is being bullied, if a staff member receives a report of a bullying matter, or if a staff member observes a bullying incident, they must inform the principal or designated person immediately and in writing within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:
      i. Persons involved, designating bully, target, and bystanders roles.
      ii. Time and place of the conduct and alleged, number of incidents.
      iii. Potential student or staff witnesses.
      iv. Any actions taken.
   b. Short, easy to use forms can be obtained from the school administration or district office.
CAPE HENLOPEN SCHOOL DISTRICT
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VI. Investigative Procedures

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

1. All complaints must be appropriately investigated and handled consistent with due process requirements.

2. Each principal may designate a person or persons to be responsible for responding to bullying complaints.

3. Neither complainant nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. However, efforts should be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person will make efforts to document the bullying from several sources. This prevents the bully, when confronted, from assuming that the victim is the complainant. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities.

4. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, the designated person will review the complaint in conjunction with any other related complaints. Reasonable steps will then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.

5. Once the principal or designated person has confirmed that a person has been the victim of bullying, the principal or designated person will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The principal or designated person will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.

6. After identifying those who committed the act or acts of bullying, the principal or designated person will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The bully will be informed that graduating consequences will occur if the bullying continues.

7. The principal or designated person will keep a written record of the bullying incident, and any disciplinary actions taken. The principal or designated person will keep any written statements of those committing the bullying, victims and witnesses. Discussions with all parties should be documented as soon as possible after the events. The school will not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.

8. A follow-up will be completed two weeks later to determine whether the bullying has continued, and whether additional consequences are needed. An additional follow-up will occur in two months, regardless of whether new incidents have been reported.
9. Each confirmed incident must be recorded in the School Register of Bullying Incidents.

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

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

VII. Non-Classroom Supervision

To the extent that funding is available, each school must develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

A. The Coordinating Committee will review and refine the supervisory system specifically to make bullying less likely to happen using the following techniques:

1. Determine the “hot spots” for bullying in the building, and why those hot spots exist.

2. Consider ways of either keeping certain groups apart during transition, or building positive collaborations between older and younger students.

3. Consider adult density in hot spots, if necessary.

4. Consider the attitude and behaviors of supervising adults in hot spots, and determine a way to increase their competence in recognizing and intervening in bullying situations.

5. Determine and disseminate a consistent graduated method by which all staff will recognize and respond to bullying.

6. Develop and provide a method for communication of staff so that staff who observe bullying can intervene and notify other staff involved in supervising the same students during the day.

7. Develop a consistent and user-friendly school-wide method of logging bullying incidents or observations about students at risk for bullying or being bullied.

8. Develop or review the policy for hallway supervision before and after school and during the time when students are moving between classes.

VIII. Consequences for Bullying

Consequences for bullying should be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences should be disagreeable or uncomfortable but should not involve revenge or hostile punishment.

A. Consequences should take into account:

1. Nature and severity of the behaviors

2. Degrees of harm

3. Student’s age, size and personality (including development and maturity levels of the parties involved)
4. Surrounding circumstances and context in which the incidents occurred

5. Prior disciplinary history and incidences of past or continuing patterns of behavior

6. Relationships between the parties involved (including any imbalance of power between the perpetrator and victim)

7. Ease of use for staff (within available resources and time constraints)

B. The appropriate range of consequences for bullying is as follows:

1. Removal of positive reinforcers:
   a. Time-out.
   b. Loss of a privilege.

2. Use of negative or unpleasant stimuli:
   a. Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
   b. Notice to parent (required by law)
   c. Serious talk with school staff member.
   d. Serious talk with school staff member with parents present.
   e. Supervised break times.
   f. Behavioral report cards sent home.
   g. Creation of a behavior contract.
   h. In-school suspension.
   i. Detention.
   j. A period of inclusion in the Learning Support Unit.
   k. Reassignment of seats in class, lunch or on bus.
   l. Forbidden to enter certain areas of school.
   m. Reassignment of classes.
   n. A referral to an external agency
   o. Reassignment to another school, or another mode of transportation.
   p. Expulsion.
   q. Report to Law Enforcement officials
3. In addition, but never as replacement for disciplinary action, formative activities should be given, which may include:
   a. Reparation to victim in the form of payment for or repair of damage to possessions out of bullies own money.
   c. Education about what bullying is and why it is not acceptable.
   d. Documentation on books or films about bullying.
   e. Completion of bully related workbooks.
   f. Completion of Letter of acknowledgement of actions to victim (only after reviewed by staff and never in cases of sexual bullying).
   g. Completion of psychological assessment or evaluation.
   h. Completion of counseling (In house or referral to an outside agency, individual or family).
   i. Cooperation with a behavioral management program developed in consultation with a mental health professional.
   j. Submission to a psychological, psychiatric or neuropsychiatric evaluation before bully can return to school.
   k. Completion of community service.

C. The District believes that positive consequences should be given when students are obeying the rules about bullying. These consequences may include:
   1. Enthusiastic, concrete, behavior-specific praise
   2. Creative consequences that are truly positive for your students considering their age, sex, and maturity level.

D. The District believes that victims should be given support. If bullying is suspected, staff members will make an effort to:
   1. Find a private opportunity for discussion with victim.
   2. Discuss with victim what support they need.
   3. Ensure their safety.
   4. Record the event and follow through with actions.
   5. Provide the victim with opportunities to gain peer support.
   6. Refer the victim to available help in-school.
   7. Provide the victim with an opportunity to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate either in writing or face to face, if the victim chooses to do so.
8. Make referrals to external agencies if necessary.
9. Provide the victim with information for mental health or medical treatment needs.

IX. Training

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

B. All school employees must either attend the provided training session live or watch the official training materials provided by the district in lieu of attendance, with written proof in the form of signing in and out of the live session, or signing the film in and out, and providing adequate written answers to questions about the training materials.

X. Reporting Procedures

A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian to provide information on bullying activity will be as follows:

1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.

2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will make an effort to provide the child with a practical, safe, private and age-appropriate method of doing so.

3. A letter box will be placed in a place or places selected by the committee, so that students who feel unable to talk to any staff can have a point of contact. Information found in the box must be treated with care and a staff-member or members will be designated to be responsible for this information. Blank “Bullying – request for support forms” will be available to all students, but are not required for a report.

4. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
   a. Conduct involved
   b. Persons involved, designated bully, target, and bystanders’ roles
   c. Time and place of the conduct alleged, number of incidents
   d. Names of potential student or staff witnesses.
   e. Any actions taken in response

5. Short, easy to use complaint forms can be obtained from the school administration or district office.
6. An electronic system will be established whereby a person can email anonymous complaints of bullying that only designated persons will have access to.

7. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.

8. Each principal will designate a person or persons responsible for responding to bullying complaints.

9. Every identified complainant who files a written complaint with a staff member will receive a written explanation of results to the extent that it is legally allowed and be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms will be made available.

10. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents, which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

XI. Anonymous Reports

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

XII. Notification of Parent, Guardian or Relative Caregiver

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

XIII. Retaliation

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

XIV. Procedure to Communicate with Medical and Mental Health Professionals

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

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional’s office before communication may take place according to HIPAA and FERPA guidelines.

2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to their child.
3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
   a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
   b. Require that student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.

4. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.

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

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

XVI. Accountability
Each school shall notify the District School Board in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by January 1, of each school year. Each school shall verify for the District School Board the method and date that the policy has been distributed, to all students, parents, faculty and staff.

XVII. Awards
In any year when the Delaware Department of Education provides an awards system for exemplary bullying prevention programs, the District shall submit a nomination of 1 exemplary school and the reasons why it believes that school should receive an award for its Bully Prevention Program, with supporting documentation.

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

XIX. Other Defenses
   A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district initiated under this policy provided there is sufficient school nexus.
B. This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district policy.

XX. Relationship to School Crime Reporting Law

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

XXI. School Ombudsperson Information

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

XXII. Informing Students of Electronic Mediums

Upon implementation of this policy, and again at the beginning of each academic year, each school district shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. From implementation of this policy through the end of 2013-14 school year, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall, at minimum, be included in each district’s list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

XXIII. Policy Notification

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

XXIV. Rules and Regulations

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement Title 14 Section 4112D of the Delaware Code.
The Cape Henlopen School District (the “District”) recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students.

I. Definitions

A. “Sexual Assault” – as used in this policy, means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim, or who is known by the victim or related to the victim by blood, marriage, or civil union. Behaviors that fall under this definition include, but are not limited to:

- Sexual Harassment: which includes when (1) A person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or (2) A person suggests, solicits, requests, commands, importunes or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person.

- Sexual Contact: which is defined as (1) Any intentional touching by the perpetrator of the anus, breast, buttocks or genitalia of another person; or (2) Any intentional touching of another person with the perpetrator’s anus, breast, buttocks or genitalia; or (3) Intentionally causing or allowing another person to touch the perpetrator’s anus, breast, buttocks or genitalia which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. Sexual contact shall also include touching when covered by clothing.

- Sexual Intercourse: which is defined as (1) Any act of physical union of the genitalia or anus of 1 person with the mouth, anus or genitalia of another person. It occurs upon any penetration, however slight. Ejaculation is not required. This offense encompasses the crimes commonly known as rape and sodomy; or (2) Any act of cunnilingus or fellatio regardless of whether penetration occurs. Ejaculation is not required.

- Sexual Penetration: which is defined as (1) The unlawful placement of an object (item, device, instrument, substance or any part of the body), inside the anus or vagina of another person; or (2) The unlawful placement of the genitalia or any sexual device inside the mouth of another person.

- Child Sexual Abuse: means any act against a child that is described as a sex offense in 11 Del. C. § 761(h).

B. “Teen Dating Violence” as used in this policy, includes assaultive, threatening or controlling behavior, including stalking that 1 person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships. Stalking means when a person knowingly engages in a course of conduct directed at a specific person and that conduct would cause a reasonable person to: (1) Fear physical injury to himself or herself or that of another person; or (2) Suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

C. “School function” includes any field trip or any District sponsored event.
D. “School property” means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by the District, or any motor vehicle owned, operated, leased, rented or subcontracted by the District.

E. “District employee” includes all persons employed by the District, subcontractors such as bus drivers; security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on District property.

F. “Principal” means the building principal, or the equivalent of the building principal, of any District school.

II. Prohibition of Teen Dating Violence and Sexual Assault

To further these goals and as required by 14 Del. C. § 4112E, the District prohibits Sexual Assault and Teen Dating Violence by any person at any school function or on any school property.

III. Consequences for Offenses

A student who commits the offenses of Teen Dating Violence or Sexual Assault is subject to disciplinary action up to expulsion in accordance with the Code of Conduct.

IV. Protocol for Responding to Incidents of Teen Dating Violence and Sexual Assault

A. Procedure Regarding Initial Response

1. If a student complains of Teen Dating Violence or Sexual Assault while it is happening, the District employee receiving the report will respond quickly and firmly to intervene, if safety permits. The District employee will provide the victim with a safe location separated from the alleged perpetrator.

2. The District will investigate all allegations of Teen Dating Violence and/or Sexual Assault in as prompt and confidential a manner as possible and will take appropriate corrective action when warranted.

B. Procedure for Reporting Incidents of Teen Dating Violence and Sexual Assault When a Report is Required.

1. A District employee who has reliable information that would lead a reasonable person to believe that Teen Dating Violence or Sexual Assault has occurred or is occurring, shall immediately report it to the Principal. The report shall be followed by a written report to the Principal within 24 hours.

2. The Principal shall immediately make reasonable efforts to notify the parents of any juvenile victim and shall immediately report the incident to the appropriate police agency. The report shall be made by telephone or in person immediately and shall be followed by a written report within 3 business days.

3. If the police agency determines that probable cause exists to believe that a crime has been committed, or if the Principal later learns that a suspect has been arrested for the offense, the Principal must file a written report of the incident to the Department of Education within 5 days.

4. Every reasonable effort shall be made to maintain the confidentiality of the victim.
C. Procedure For the Documentation of Incidents.

1. The written report from the District employee to the Principal shall be reasonably specific as to actions giving rise to the suspicion of Teen Dating Violence and/or Sexual Assault and shall include:
   a. Persons involved, designating perpetrator and victim
   b. Time and place of the conduct and alleged, number of incidents
   c. Potential student or staff witnesses; and
   d. Any actions taken.

2. The Principal shall document the substance of the report made to the police agency.

D. Procedure for Working with Victims

Confidentiality of complainants and victims shall be maintained to the extent practicable. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities. The school counselor and school nurse shall be made available to the student, if requested.

E. Procedure for Working with Perpetrators

All suspected perpetrators will be afforded due process in accordance with the Code of Conduct.

V. Training

A. All administrators, school nurses, and school counselors in the District serving students in grades 7 through 12 shall receive this policy and shall attend protocol training during the first year of assignment as an administrator, school nurse or school counselor, and at least once in every 3-year period thereafter pursuant to 14 Del. C. § 4112E. The training materials and trainings shall be developed and provided by the Delaware Domestic Violence Coordinating Council. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. § 1305(e).

B. The District shall ensure existing health standard programming related to comprehensive healthy relationships, based on the Health Standards adopted by the Delaware Department of Education as approved by the State Board of Education, is provided in health education programs or related classes.

VI. Immunity

A District employee, District volunteer or student is individually immune from a cause of action for damages arising from reporting Teen Dating Violence and/or Sexual Assault in good faith and to the appropriate person or persons using the procedures specified in this policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful or intentional conduct.
VII. Relationship to School Crime Reporting Law

An incident may meet the definition of Teen Dating Violence and/or Sexual Assault and also the definition of a particular crime under State or federal law. Nothing in this policy shall prevent school officials from fulfilling all of the reporting requirements of 14 Del. C. § 4112, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law.

VIII. Policy Notification

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

IX. Rules and Regulations

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement 14 Del. C. § 4112E.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

SEARCH AND SEIZURE

Students shall be free from unreasonable search and seizure. This right is balanced by the school's responsibility to protect the health, safety and welfare of others. Student lockers are school property; therefore, school authorities have the right to search lockers at any time. Vehicles driven on school property are subject to search by school authorities under condition of reasonable suspicion. Searches of a student's person and/or personal property may be made when there is reasonable suspicion that the student possesses any item or substance which could pose a danger to the health, safety, or welfare of others or possesses any items) acquired illegally or improperly.

SCHOOL LOCKER POLICY

School lockers are the property of the district. At no time does the district relinquish its exclusive control of lockers which are provided for the convenience of its students. Periodic general or random inspections of lockers may be conducted by school authorities for any reason at any time with or without reasonable suspicion of the commission of a crime or a school disciplinary infraction. Locker searches may be conducted by school authorities at any time, without notice, without student consent, and without a search warrant provided that during any such search an administrative employee of the district will be present to witness the search. The Board authorizes administrative employees of the district to conduct locker searches with or without the involvement of the Delaware State Police. In the event locker search reveals that a student's locker contains items which are prohibited under the Student Disciplinary Code or under Delaware State law, appropriate disciplinary procedures shall be initiated against the student; and in situations where the items discovered are in violation of state law, the Delaware State Police shall be notified.

The district presumes a student possesses, and is responsible for, all items found in the student's locker. Students should regularly check the contents of their lockers. If they fail to lock their lockers, or provide others access to their lockers, they remain responsible for items found in their locker(s).

SCHOOL MOTOR VEHICLE POLICY

The district presumes a student possesses and is, therefore, responsible for all items in the student's motor vehicle. This presumption applies to any vehicle the student drives to school without regard to who owns the vehicle. Before a student brings a vehicle to school or a school activity, the student should carefully inspect it. If a student fails to lock his/her vehicle or permit others access to his/her vehicle, the student remains responsible for items found in the vehicle.

PERSONAL STORAGE POLICY

The district presumes a student possesses and is, therefore, responsible for all items found in/on the student's clothing, book bag, purse, or similar bag or container used to carry books or personal property (referred to as "personal storage containers"). Students should regularly check the contents of their personal storage containers. If they fail to secure their personal storage, or provide others access to them, they remain responsible for items found in their personal storage containers.

Adopted: December 20, 1990
Revisions: June 20, 1991; April 18, 1996
The Board acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

All fund raising activities must be arranged and approved in accordance with the provisions of the Cape Henlopen School District.

Fund raising activities must be for a defined special purpose. All funds derived from fundraising activities must be accounted for and expended for the intended purpose; and, in accordance with the provisions of the Cape Henlopen School District Accounting Manual.
All students have the responsibility to return assigned textbooks and other loaned school materials on time and in good condition. These materials are purchased by the District for student use for a period of time, and it is the responsibility of all students to take reasonable care of the materials so other students may be able to benefit from their use in the future. The School District must be properly reimbursed for all damaged or lost materials. Students and parents are also responsible for satisfying any/all child nutrition debts.

Debts incurred by students in grade 6 – 12 may result in the denial of access to some social events to be determined by each school. Additionally, driving privileges of students at Cape Henlopen High School will be revoked if debts remain unsatisfied. Revocation procedures will be outlined in the District Accounting Manual.

Each school is responsible for monitoring outstanding debts. Each school is expected to work cooperatively with parents in every way possible to clear outstanding student debts. The parent or guardian of each student is responsible for working with the school to clear accounts before the end of each school year.
The Board is dedicated to the task of providing the best education possible for every child in the district, and therefore will not apply any rule that treats students differently on the basis of their marital and/or pregnancy status. A student shall not be discriminated against nor excluded from the education program or activities, including any class or extra-curricular activity, on the bases of such student's pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the education program or activity of the school. Pregnancy must be accommodated in the same manner as an other temporary disability. The policy shall apply equally for married or unmarried students.
A primary task of the school is to create a stimulating learning climate for all students. Integral to this is the active involvement of students in the planning and evaluation of the educational processes and the fostering of a spirit of inquiry through which students may freely express, their own views and by the same token, listen to and evaluate the opinions of others.

The development in students of an appreciation of the democratic way of life is a goal of our schools. This should include the study of our national heritage, and to the fullest extent possible, opportunities for students to exercise their rights and assume their responsibilities of citizenship.

To achieve such a goal, the principals and their professional staffs, students, and parents must work cooperatively to avoid extremes of regimentation and authoritarianism on one hand and anarchy and irresponsibility on the other.

This policy statement should not be interpreted as being all-inclusive. Students have rights guaranteed by the Constitution and by the laws. One of the most important of these is his/her right to participate in a school activity, regardless of race, religion, nationality, gender, sexual orientation or economic status. No student may be barred from any school activity for any reason other than those established by local or state eligibility requirements and those legitimately related to the purpose of the activity.

A student's exercise of rights and privilege in the school setting must depend on his/her age, maturity, and, the accepted standards of the Cape Henlopen School Community.

No right is absolute. Every right has its limitations. One basic limitation is that the exercise of the rights of one individual or group ceases when it in fringes on the rights of another individual or group. Other limitations that pertain to the public education process are found in state law, bylaws of the State Board of Education, and policies of the Cape Henlopen Board of Education.

Accordingly, as regards to student rights and privileges of and by students on school premises, the Board of Education of the Cape Henlopen School District hereby prescribes the following policy:

SECTION I: PARTICIPATION IN PLANNING GOALS

Students should be actively involved in the learning process. Students shall be provided the opportunity to participate in discussions and develop recommendations to improve the curriculum through duly elected or appointed representatives. Students’ suggestions concerning curricular offerings and opportunities shall be encouraged by the principal and his/her professional staff.
SECTION II: FREEDOM OF OPINION

Students shall have the opportunity to investigate all facets, sides, and/or opinions of and about any and all topics and materials introduced or presented by a teacher in a formal classroom situation and teachers shall have a special responsibility to provide such procedures with regard to those which are or may be of a controversial nature. Such materials presented to students must be relevant to the course and appropriate to the maturity level and intellectual ability of the students. The teacher shall further be responsible to permit the expression of the views and opinions of others and to encourage students to examine, analyze, evaluate, and synthesize all available information about such topics and materials and to encourage each to form his/her own views and opinions through such procedures. Teachers shall at all times strive to promote tolerance for the views and opinions of others and for the right of individuals to form and hold different views and opinions. Teachers shall not attempt to influence students in any manner resulting in possible endorsement by students of a viewpoint or opinion of the teacher toward matters considered controversial and/or not related to the normal content of a particular course of study.

SECTION III: SCHOOL PUBLICATIONS

Students shall have the right to publish and distribute materials, school sponsored and otherwise, that strive to meet high publication standards. School newspapers, yearbooks and literary magazines and similar publications are to be encouraged as educational experiences under the direction of qualified faculty advisors.

Under the following procedures, student and other publications and written materials including petitions produced with or without school sponsorship may be distributed in school. The right to publish and distribute materials shall be accompanied by the following responsible actions:

1. Designation of the person or persons who wrote and published the materials.
2. Adherence to acceptable standards of journalism which emphasize literary value, newsworthiness and propriety.
3. Distribution of materials before and after regular school hours.
4. Distribution through permission of principal during regular school hours.
5. Distribution time and place must be cooperatively established with the principal.
6. Display of materials on bulletin boards provided for student usage.
7. A copy of any non-school sponsored publication must be given to the principal for his/her review. (He/she may require that the copy be given to him/her three (3) school days prior to its general distribution.)
8. Acceptance of legal consequences for their expressions and publications.
If, in the opinion of the principal, any publication that may contain libelous or obscene language, advocate illegal action or is grossly insulting to any group or individual, the principal may request that the Publication Review Board meet to review, discuss and come to a decision upon any questionable material that may be in violation of the following guidelines.

Material in any publication meant for distribution to the student body should not:

1. endanger the health or safety of a student.
2. threaten or disrupt the educational process.
3. reflect a libelous nature (mock, demean or ridicule other persons or groups).
4. indicate a commercial purpose.
5. contain obscene, vulgar, and inflammatory statements.

The Publication Review Board shall be composed of the principal, the Student Council advisor, the Yearbook advisor, the Newspaper advisor, the Student editor of the Yearbook and the student editor of the Newspaper.

SECTION IV: ASSEMBLY PROGRAMS

Students and staff may be involved in the planning and execution of assembly programs. On the basis of the nature and content of the assembly, the principal shall determine whether attendance is required or voluntary.

School-sponsored, voluntary forums of interest to students held outside of the regular class schedule are permissible. Students will have maximum freedom in planning and conducting such forums as long as such forums are not restricted by laws or policy regulations. Partisan political forums and religious forums could fall in this latter group.

SECTION V: STUDENT GOVERNMENT

Students are encouraged to participate in student government organizations that provide all students a voice in school affairs. Open channels of communication should exist between the student, his/her student government, the faculty, and the principal of the school.

Qualifications for holding office shall be determined by the student government, as approved by the building principal. In unusual cases, a principal may find it necessary to disqualify a student from running for office. In such cases, the principal shall explain the reasons for such action to the student prior to the disqualification.

SECTION VI: EXTRA-CLASS ACTIVITIES

Students shall be encouraged to form and participate in a variety of extra-class organizations as a means of broadening their educational experience. Pupil organizations that conduct activities on school premises must be authorized to do so by the principal and must have faculty supervision.
The non-school sponsored activities of students carried on entirely outside of normal school hours and off school grounds shall not be the responsibility of the school.

SECTION VII: DRESS AND GROOMING

Student dress and grooming are the responsibility of students and their parents, unless some standard of dress and grooming is a reasonable requirement of a course of activity or necessity for reasons of health and safety.

Schools may develop advisory guidelines for dress and grooming through the cooperation of students, parents, and teachers.

School personnel may counsel with those who affect extreme styles of dress or grooming.

Unless a student's dress and grooming causes or is likely to cause a disruption of the educational process there shall not be any disciplinary action. (Refer to code of conduct)

SECTION VIII: LIMITATIONS OF ACTIVITIES

In order to assure the orderly operation of schools, the rights and privileges of students, including the distribution of written material or circulation of petitions, shall be protected with the provision that the following activities shall not be permitted:

1. Those which materially or substantially interfere with appropriate discipline on school premises.

2. Those which materially disrupt the normal operation of the school or provoke any substantial disorder.

3. Those which involve the use or expression of obscenities. Also, no activity which includes any sexual or prurient theme where, given the particular context and manner of communication, such use or expression may reasonably be expected to be substantially harmful to the normal development of younger, impressionable, and less mature students.

4. Those involving the use of false statements or innuendoes which may subject any person to hatred, ridicule, or contempt, or which may injure the reputation of any person.

5. Those involving the use of statements grossly offensive to the reasonable sensibilities of school personnel, or unduly injurious to their professional reputation. However, legitimate criticism for the purpose of redressing grievances actually deemed to exist is permitted.

6. Those involving statements grossly offensive to the reasonable sensibilities of any racial, religious, or ethnic group, or any members thereof.

7. Those involving the use of written materials to advocate that any religious denominations, sect or point of view is preferable to any other religious denomination, sect or point of view.
8. Those involving the use or advocacy of the use of any substance or material which may reasonably be believed to constitute a direct and substantial danger to the health of students, or providing any information as to the availability of such substances or materials.

9. Those involving advocacy of the violation of existing statutes, ordinances, or school policy, rules or regulations.

SECTION IX: VIOLATION OF POLICY

Any violation by any student of the provisions of this policy or any administrative rules, decisions, or action adopted or taken in pursuance of this policy, may subject the student to disciplinary action, including suspension or expulsion in accordance with rules and regulations and/or board policy.

SECTION X: APPEAL PROCEDURES

If any activity, whether undertaken or proposed, is determined by any school administrator to violate this policy, the student, student group, or student organization who have undertaken or proposed to undertake, such activity may, within one week from being advised, appeal to the superintendent, who shall render his/her decision as promptly as possible in the circumstances. If the superintendent deems such procedure appropriate, she/he may attempt to reconcile any differences of opinion as to the requirements of this policy.

The decision of the superintendent shall be final, except as to any case which she/he may deem appropriate for reference to the Board of Education.

SECTION XI: MISCELLANEOUS

The provisions of this policy shall be applied in a nondiscriminatory basis. No requirement of approval shall be imposed on the distribution, circulation, and posting of written materials, except as provided herein and except in such specific circumstances and to such extent as the superintendent may deem necessary on the basis of any clear and present danger to orderly and efficient school operations.

Any petition filed by students with any appropriate school personnel shall be reviewed by the principal or assistant principal who shall endeavor to adjust any differences of opinion.

If substantial differences of opinion are unresolved after five (5) days from the date of filing of said petition, the petition shall be forwarded to the superintendent. If the differences remain unresolved for twenty-five (25) days thereafter, the superintendent shall submit the petition and a report thereon to the Board of Education for further decision.

Whenever, in the interpretation of this policy, it is necessary to determine the meaning of certain words or phrases, the superintendent shall make such determination, giving due regard to the laws of the United States, the State of Delaware, and applicable Court decisions.
SECTION XII: PURPOSE OF POLICY

It is the purpose of this policy to balance the rights of student expression with the interest of an orderly and efficient educational process and of a school environment. It is not the purpose of this policy to regulate student expression in behalf of any other interests. The school assumes no responsibility for the contents of any written matter posted, circulated, or distributed or of student conduct insofar as such matter or conduct may relate to any interests other than those of an orderly and efficient educational process and a proper school environment.
The Board recognizes the desire of some families to educate their children at home. State laws regulate home schooling. The district is not in a position to participate in supervision of home schooling because the district does not maintain staffing levels sufficient to enable the superintendent to determine whether a home schooling student is provided "regular and thorough instruction in the subjects prescribed for the public schools of the state in a manner suitable to children of the same age and stage of advancement." See 14 Delaware Code., Section 2703(b). Therefore, the district will direct home schooling inquiries to the Department of Education (DOE) for referral to a home school association or organization registered with DOE. The DOE also offers the parents an option of registering with DOE and undertaking their own reporting responsibilities. The district's instructional programs and extracurricular activities are limited to district students. Neither private school students nor home school students are permitted to enroll in or attend district instructional programs or participate in extracurricular activities offered by the district.

If a home schooled student returns to the district, such a student shall take a placement tests) prior to returning to the district and will be placed in the grade/course deemed appropriate by school professionals.
200 PUPILS
237 Student Survey Policy

Written requests for conducting surveys of students will be addressed to the Superintendent and will outline:

1. How the project will benefit the District and contribute to a greater understanding of the teaching-learning process;
2. Who is to be involved;
3. How the project is proposed to be conducted; and,
4. How the results will be used and distributed.

The Superintendent will develop administrative procedures to approve requests and will notify the Board of Education of approval outcomes. A list of annually administered surveys will be maintained on the District web site. Parents/Guardians will be notified in writing within five (5) school days prior to the administration of any survey.

Requests involving surveys that address any of the following topics will be sent to the District Safety and Climate Committee for consideration:

1. Political affiliations or beliefs of the student or the student’s parents/guardians;
2. Mental or psychological issues of the student or the student’s family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and religious leaders;
7. Religious practices, affiliations, or beliefs of the student or students’ parents/guardians; and,
8. Income (other than that required by law to determine eligibility for participation in a financial assistance program).

The Safety and Climate Committee will make its recommendation to the Superintendent regarding the perceived benefit the results of the survey will offer the District.

The District will publish at the beginning of each school year a statement notifying parents/guardians of the following information regarding surveys that contain questions about one or more of the eight topics listed above:

1. Parents/Guardians have the right to refuse to have their children participate in any survey, and students have the right to refuse to answer any questions they find objectionable;
2. The District must have written consent from parents/guardians before students can be required to submit to any survey. Alternatively, an opt-out/refusal form may be used to afford parents/guardians their refusal right. The form will be included with the information sent form to parents/guardians to notify them of the administration of the survey. If the information and the opt-out/refusal from are to be sent home to parents/guardians via their students, principals shall ensure that parents/guardians are so informed via other means of communication (e.g., automated phone call, email);
3. The District will directly notify parents/guardians at least annually, at the beginning of the school year, of the approximate dates when the survey(s) will be administered;
4. Parents/Guardians have the right to request to review the survey(s), any instructional materials used in connection with the survey(s), and any instructional material used as part of the educational curriculum for the student. The opportunity for such review should be provided within ten (10) school days of the request; and,
5. If the District is asked to participate in a new survey after the commencement of the school year, the District will notify parents/guardians immediately of the date of this administration and provide them the opportunity to review the survey and to refuse to have their child participate.

Requests regarding projects proposed by faculty, students, or any other person conducting research under the auspices of research institutions, colleges and universities, and/or private institutions, must include a letter of approval from the organization’s committee charged with ensuring the protection of human subjects in research.

A report will be presented to the Board of Education within two regularly scheduled Board meetings following the receipt of survey data/findings.
The Cape Henlopen School District (hereinafter referred to as "The District") recognizes the serious problem of youth suicide and acknowledges that providing this policy for schools and districts related to youth suicide recognition and prevention is very important. The District also acknowledges that youth suicide is a complex issue, which cannot be addressed by the districts and schools alone. This Suicide Prevention Policy ("Policy") meets the requirements of 14 Del. C. §4124, relative to Suicide Prevention.

The Superintendent shall ensure that all requirements of 14 Del. C. §4124 in regards to suicide prevention are included in the Student Code of Conduct and are reviewed annually and updated as needed.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

300 ADMINISTRATIVE EMPLOYEES

302 Employment of Superintendent
303 Employment of Administrators
304 Administrator Local Salaries
311 Evaluation of Superintendent
312 Evaluation of Administrators
315 Drug and Alcohol Policy for Staff and Chaperons
316 Employee Sexual Harassment or Sexual Misconduct
317 Sexual Harassment of Students by District Employees
318 Harassment or Misconduct Toward Students by District Employees
320 Treatment of Students
326 Complaint Policy
326.1 Rules of Procedure for Conducting Complaint Hearings
331 Job Related Expenses
333 Attendance Program
334 Sick Leave
336 Personal Necessity Leave
337 Vacation/Holidays
338 Employee Leave Reporting
339 Uncompensated Leave
340 Supervisory Duty, Leave from the Regular Assignment
349 Retirement
350 Vandalism Reimbursement
In order for an educational system to function for the best interest of the students, it is important that staff be assigned to best meet the needs of a position. The Board places the primary responsibility and authority for the administration of this district in the superintendent. Selection of a superintendent is, therefore, critical to the effective management of the district.

APPOINTMENT

The School Board shall select and employ the superintendent of schools, who will also serve as the secretary of the School Board.

SALARY

The salary of the superintendent of schools shall be fixed by the School Board, and there shall be provision for expenses incurred in the performance of his/her duties as approved by the School Board.

RESIDENCY

Residency/relocation within the district is required between six months to one year from the date of employment.

DUTIES AND RESPONSIBILITIES

1. The superintendent of schools shall be the chief executive officer and educational advisor of the School Board and shall provide educational leadership for the Cape Henlopen School District.

2. The superintendent shall attend all meetings of the School Board and shall have the right to speak on all matters before the School Board or any committee of the School Board.

3. The superintendent shall administer and supervise the public schools of the district and all personnel in the employment of the School Board. In all matters where duties are not definitely prescribed, the superintendent will exercise discretion. The superintendent will keep the Board apprised of any and all such circumstances.

4. The superintendent shall establish such administrative procedures and regulations for the conduct of the schools as he/she may deem to be in the best interest of the schools.

5. The superintendent shall recommend all personnel to be employed by the School Board.

6. The superintendent shall have authority to fill all vacancies caused by temporary illness or necessary absence of teachers or other employees to serve in the interim until regular teachers or other employees are appointed; the Board should be informed of any such placements.

7. The superintendent in accordance with Board Policy shall assign principals, custodians, and other employees to schools and teachers to schools, subjects and grades, according to the needs of the system.
8. The superintendent is responsible for maintaining high student achievement throughout the district. The superintendent shall be knowledgeable of and responsible for the preparation of all programs of instruction and shall submit to the School Board such programs and courses as he/she approves. Changes in the programs of instruction shall be recommended to the School Board for approval.

9. The superintendent shall arrange and have authority over the control, classification, and promotion of pupils.

10. The superintendent shall prepare and present each year a budget showing, by items, the amounts of money needed for the maintenance of the public schools for the ensuing year.

11. The superintendent or a designee shall approve and direct all purchases and expenditures within the limits of the detailed budget approved by the School Board.

12. The superintendent shall prepare for the School Board the annual reports required by the general laws and transmit them, having been duly signed, to the state Department of Public Instruction. Following the end of each fiscal year, the superintendent shall prepare and present to the School Board for publication a report on the year, together with recommendations which he/she may deem worthy of consideration.

13. The superintendent shall keep the School Board informed as to school building needs and shall recommend plans for new buildings and for alterations of buildings for appropriate action in accord with state policies and procedures.

14. The superintendent shall recommend for the approval of the School Board changes in school policies needed for the direction and control of the schools and shall keep in ready reference a current record of all policies.

15. The superintendent shall have the responsibility to consider and make decisions or recommendations about all complaints and requests referred to him/her for special adjustment in connection with children, parents, staff, and the public.

16. The superintendent shall serve as the School Board's representative in cooperative undertakings with other community agencies.

17. The superintendent may delegate to subordinates any of the powers and duties which the School Board has entrusted to him/her; but in every instance when a power or duty is delegated, the superintendent shall continue to be responsible to the School Board for the execution of the delegated duty.

18. The superintendent shall have the power to authorize the cancellation of school when he/she deems it inadvisable to hold sessions because of storms or other unusual conditions.

19. The superintendent shall keep informed of worthwhile educational enterprises in other communities, their plan or organization, methods of instruction, and other matters in order to advise the School Board, school personnel, and the community on new developments in education. The expenses incurred by the superintendent of schools in attending conventions or meetings and in visiting other school systems in behalf of the School Board will be assumed as school expenditures.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

300 ADMINISTRATIVE EMPLOYEES
302 Employment of Superintendent

20. The superintendent shall notify the Board when he/she is planning to be out of the district for multiple consecutive days. He/she will include identification of a designee to be in charge of the district in his/her absence. While the Board encourages the superintendent to use leave for conference attendance and vacations, it reserves the right to postpone the leave in the best interest of the district.

21. The superintendent shall report important administrative transactions and school district issues on a monthly basis.

22. The superintendent is responsible for changes in assignment which occur when change in program or enrollment makes such a change necessary or when a specific problem has been identified. Except when other policy language prohibits such changes, the superintendent may initiate such change and assign currently employed personnel as deemed necessary. The Board will be kept informed of such situations and the change will be presented as an information item at the next Board meeting.

23. ADMINISTRATIVE CONTRACT

The contract of the superintendent will be for two (2) years. At the end of each year, the Board will consider adding another year to the superintendent's contract so that it could remain a two (2) year contract beginning each July. The Board reserves the right to offer contract of longer duration for a new superintendent to encourage the selected candidate to take the position. The intent is to then revert to a two (2) year contract.

Failure on the part of the Board or the superintendent to notify the other in writing by certified mail, no later than six (6) months prior to the expiration of the agreement, of either party's intent not to renew the agreement, will automatically result in a one-year extension of the existing agreement.

The superintendent shall not vacate his/her position during the term of the contract without the written consent of the Board. The superintendent shall also give the School Board a resignation notice of at least six (6) months in advance of the date of such resignation, except that the Board may approve exceptions to this policy. The Board shall not terminate this agreement prior to the expiration date except for good and just cause and shall provide the opportunity for a fair hearing before the Board or before a hearing officer designated by the Board. Prior to any hearing in regard to the termination of the superintendent, the Board shall serve the superintendent with a written statement of the reasons for termination. If the Board designates a hearing officer to conduct such a hearing, a majority of the Board shall convene to review the record of the proceedings before the hearing officer, the report of the hearing officer, and the recommendation to the Board; within fifteen (15) days of the hearing before the hearing officer, the Board shall submit to the superintendent its decision in writing. If the superintendent chooses to be represented by legal counsel, all legal expenses incurred by the superintendent in connection with any termination hearing shall be borne by the superintendent.

Appeal from a decision of the Board concerning the provisions of the agreement may be made to the State Board of Education.

Adopted: June 26, 1986
Revisions: March 21, 1996; April 22, 1999; April 28, 2005
The Board places substantial responsibility and authority for the effective management of the district with administrators who are employed by the district.

ASSISTANTS TO THE SUPERINTENDENT OF SCHOOLS

As the school district becomes eligible for assistants to the superintendent, directors, supervisors, principals, and/or specialists according to the rules and regulations of the State Board of Education and/or the legislature, and as any other assistants are deemed necessary by the Board, such assistants will be appointed by the Board of Education on the recommendation of the superintendent.

Such assistants or specialists shall be directly responsible to the superintendent of schools. They shall perform such directed duties and have such responsibilities in the broad areas of instruction, business management, operation, and maintenance as the superintendent may direct.

SCHOOL PRINCIPALS

Principals shall be appointed by the Board of Education upon the recommendation of the superintendent of schools. All candidates for a principal's position must meet state certification regulations before being considered eligible for employment. The building principal is answerable directly to the superintendent of schools and to the assistants the superintendent may designate. The number of principals shall be determined by formal action of the Board of Education if any deviation from State Board of Education or state legislature is to be practiced.

1. DUTIES OF PRINCIPALS

The principal is the instructional leader of the school building. All efforts to supervise staff and provide professional development should center around improving student achievement.

The principal is responsible for all persons assigned to his/her building or area of a building and all activities scheduled in that building or area of a building during the regular school day.

The principal is the professional and executive leader of the school and is largely responsible for its educational program. As such, the principal must organize the school and its employees into an efficient, democratic, and cooperative institution of dependable, professionally trained educators and skilled workers. Since the first function is the improvement of instruction, the major part of the principal's time shall be so spent. The principal's own self-control, thoughtfulness, consideration, courtesy, and friendliness will set the pattern of human and professional relations through which the needs of children will be most fully met.

2. SUPERVISION AND EVALUATION OF INSTRUCTION

As the primary evaluator, the principal shall be responsible for visiting classrooms on a regular basis for the purpose of supervising the work of the teachers. The principal shall familiarize himself/herself with the methods of discipline and instruction employed by each teacher under his/her direction. Faculty programs, meetings, and individual or group conferences shall be planned by the principal to make maximum contribution to the improvement of the instructional program, growth of individual teachers, and development of school and community morale and cooperation.
3. RECORDS AND REPORTS

The principal shall promptly make, or have made, all reports required by the superintendent. She/he shall see that teachers keep correctly all records required and that they interpret properly the regulations of the Board and the directions of the superintendent.

4. SUPERVISION OF PUPILS

The principal shall have overall responsibility for pupils during the school day, on the school premises before and after school, on school trips, and may exercise such control over them as seems necessary or desirable. Discipline will be administered in accordance with the established discipline policies of the district.

5. CARE OF BUILDINGS

The principal shall have charge of and be responsible for, the protection of the school building, the furniture, books, apparatus, and supplies contained therein and the grounds, fences, shrubbery belonging thereto.

6. FIRE AND CIVIL DEFENSE DRILLS

The safety of school children is the joint concern of every employee and the specific concern of the school principal. The principal is responsible for seeing that fire and civil defense drills are organized early in the school year and practiced until they run smoothly.

7. PUBLIC RELATIONS

The principal shall seek to promote good relations with parents and the general public.

8. ADMINISTRATIVE CONTRACTS

Administrative contracts will be for a period of two years. If an administrator is hired by the district after July 1, he/she will be provided with a prorated two-year contract. Prior to June 30 of each year, the Board will vote to extend the administrative contracts so that the contract will remain a two-year contract beginning July 1. On or before the last day of December each year, the Board must take action with intent not to renew any administrative contracts not extended on or before June 30.

Failure on the part of the Board or the administrator to notify the other in writing by certified mail, no later than six (6) months prior to the expiration of the agreement, of either party’s intent not to renew the agreement, will automatically result in a one-year extension of the existing agreement.
The administrator shall not vacate his or her position during the term of the contract without the written consent of the Board. The Board shall not terminate this agreement prior to the expiration date except for good and just cause and shall provide the opportunity for a fair hearing before the Board or before a hearing officer designated by the Board. Prior to any hearing in regard to the termination of the administrator, the Board shall serve the administrator with a written statement of the reasons for termination. If the Board designates a hearing officer to conduct such a hearing, a majority of the Board shall convene to review the record of the proceedings before the hearing officer, the report of the hearing officer, and the recommendation to the Board; within fifteen (15) days of the hearing before the hearing officer, the Board shall submit to the administrator its decision in writing. If the administrator chooses to be represented by legal counsel, all legal expenses incurred by the administrator in connection with any termination hearing, shall be borne by the administrator.

Appeal from a decision of the Board concerning the provisions of the agreement may be made to the State Board of Education.
PHILOSOPHY

The Cape Henlopen Board of Education believes that administrative salaries should be reflective of an individual's:

- level of education
- years of experience
- job responsibilities and
- performance of job responsibilities

The administrative salary system should be:

- fiscally responsible
- competitive enough to recruit, employ, retain and adequately compensate competent individuals.

LOCAL ADMINISTRATIVE SALARIES

INITIAL PLACEMENT

New administrators employed in Cape Henlopen shall be placed on the local salary schedule by taking a 12 month local salary from the teacher local salary schedule and multiplying that number by the local administrative index for that position. The local administrative indexes as per policy are as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
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<td>Assistant Secondary Principal</td>
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<td>Child Nutrition Supervisor</td>
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<td>Plant Operations Supervisor</td>
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MINIMUM SALARY CALCULATIONS

In an effort to recruit and retain high quality principals and assistant principals, the board approved the following minimum salary calculations until the administrator's years of experience and degree status entitled them to a higher salary. At that time they would return to the regular index schedule.

Principals: The minimum salary for a new principal shall be based upon the salary of a principal with a master's degree plus thirty credits of additional education beyond the master's degree, (M +30) with twenty years of experience.
300 ADMINISTRATIVE EMPLOYEES
304 Administrator Local Salaries

Assistant Principals: The minimum salary for a new assistant principal shall be based upon the salary of an assistant principal with a master’s degree plus thirty credits of additional education beyond the master’s degree (M +30) with twenty years of experience. This computed amount will be increased by 20% for high school level, 18% for middle school level, and 15% for elementary school level.

ANNUAL LOCAL SALARY INCREASES

Pending Board approval, administrator local salary increases shall be at the same percent applied to the local professional salary schedule provided that:

The administrator is in good standing, with all DPAS II components rated Satisfactory and an overall rating of Effective.

Special consideration will also be given in years where the state does not provide a percentage increase in professional salaries.

Based upon the administrator’s performance as indicated on the written evaluation, a recommendation for adjustment to the percentage may be made by the superintendent to the board. The board has the right to accept, modify or reject the superintendent’s recommendation, and the board’s decision may be appealed by an administrator to the board.

The board further reserves the right to award or reduce administrative local salary increases at their discretion.

TIMELINES

Approval of final budget
Superintendent administrative personnel review and local salary recommendations
Board approval of local salary schedules for following year

April Board Meeting
First June Board Meeting
Second June Board Meeting or First July Board Meeting

Adopted: June 26, 2008
Revisions:
Evaluating the superintendent is an important tool in the improvement effort of the District. This process is designed to define the Board's expectations, enhance communication, create a positive working relationship between the Board and superintendent, clarify and prioritize District goals, and encourage the superintendent to focus attention on the critical responsibility of improving achievement for all students. The purpose of the evaluation system is professional growth, performance improvement, and accountability to ensure our District and our schools have the strongest leadership possible.

The evaluation will include an assessment of the superintendent's competence in meeting goals developed by the Board under the following components:

1. Vision and Goals
2. Teaching and Learning
3. People, Systems, and Operations
4. Professional Responsibilities
5. Superintendent's Goal

The Board will hold special meeting(s) including the superintendent each year to determine the specific goal behaviors for each component and the superintendent will share his/her goal behavior(s) for component 5. After this phase is completed, the Board will meet at a future date(s) with the superintendent to discuss the measures and data required to evaluate each goal behavior. The superintendent will receive a mid-year review of the progress made. The final evaluation will be determined by a majority vote of the board.

Timeline:

- June – Meeting(s) to determine goal behaviors
- July/August – Meeting(s) to determine measures and data collection procedures
- January – Mid-year evaluation
- May/June – End of year evaluation

Adopted: October 13, 2016
300 ADMINISTRATIVE EMPLOYEES
312 Evaluation of Administrators

There shall be a plan for the regular evaluation of all professional employees of the district. This plan is a part of the regulations of the Department of Education (DOE) known as the Delaware Performance Appraisal System (DPAS II). An excerpt of those regulations and performance appraisal forms are attached to this policy for reference.

(The DPAS II guide is available online at the DOE website at www.doe.k12.de.us/csa/dpasii)

Administrator Forms - http://www.doe.k12.de.us/csa/dpasii/admin/adminforms.shtml

Specialist Forms - http://www.doe.k12.de.us/csa/dpasii/specialist/specforms.shtml


Adopted: July 16, 1987
Revisions: April 22, 1999; December 8, 2005; February 26, 2009
The misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the entire school community.

Offenses related to drug and alcohol are very serious both for the individual involved and for the welfare of others in the District. Therefore, the following rules and regulations apply:

1. administrative staff or chaperones are not permitted to consume or be in possession of alcohol/drugs while on school property or at school related functions. This includes field trips, school sponsored trips, student conferences and other such activities away from the school where students are involved, and includes special functions for chaperones, coaches, etc.;

2. administrative Staff found possessing or consuming alcohol/drugs on school property or at school related functions will be recommended for suspension or dismissal. Due process will be afforded before an administrator is suspended or dismissed. Chaperones found violating this policy will be restricted from serving in this capacity for a minimum of one year;

3. administrative Staff and chaperones must not be under the influence of alcohol or drugs at school or school related functions;

4. should an administrative staff member or chaperone be suspected of violating this provision, disciplinary action as mentioned in No. 2 will be initiated. (This does not include public events open to adults where staff have no designated responsibility.)
### 300 ADMINISTRATIVE EMPLOYEES

#### 316 Employee Sexual Harassment or Sexual Misconduct

Sexual harassment is a form of employee misconduct which is not tolerated within the offices, schools, buildings, or upon the grounds of the Cape Henlopen School District or at any school-sponsored activity, whether held within or outside the Cape Henlopen School District. Sexual harassment includes unwelcome verbal or physical sexual advances or conduct of a sexual nature, sexually explicit or derogatory statements, or sexually discriminatory remarks made by someone in the work place. If you believe you are the subject of sexual harassment or are aware of an instance of sexual harassment, you should report the circumstances immediately to the Cape Henlopen School District Title IX coordinator (supervisor of personnel), the superintendent of the Cape Henlopen School District, or to the president of the Board if the complaint involves the superintendent. No one will in any way use threats, coercion, or intimidation to deter an employee from reporting sexual harassment.

Upon notification to the superintendent or the Board president, an investigation of the complaint will be conducted immediately. Confidentiality of the complainant and/or witnesses to the alleged sexual harassment will be maintained to the fullest extent possible. If the circumstances warrant such action, the complainant and/or the alleged harasser may be placed on administrative leave pending completion of the investigation.

An employee found to have committed sexual harassment will be subject to disciplinary action. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension and/or termination of employment. Other remedial action may be taken, as appropriate. Employees who witness sexual harassment (which is not otherwise reported) and do not report the harassment as indicated above may also be subject to disciplinary action.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee bulletin boards in the district.

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Adopted: May 27, 1993

Revisions: August 26, 1993
The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policy on sexual harassment has been adopted:

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the Civil Rights Act of 1964; which protects persons in the workplace, and Title IX of the Educational Amendments of 1972, which protects persons from sex discrimination at school.

Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; verbal harassment or abuse; subtle pressure for sexual activity; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by implied threats relating to job or school performance and evaluation; and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- **written contact**: suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.

- **visual contact**: sexually suggestive looks or gestures; displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.

- **verbal contact**: sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.

- **physical contact**: uninvited and intentional touching, blocking, or cornering, of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.

- **retaliation**: any action taken or threatened against another person for complaining about any of the behaviors described above.

If you believe you are the subject of sexual harassment or if you become aware of an instance of sexual harassment, you should report the circumstances immediately to a teacher or the principal or assistant principal of your school, to the superintendent of the school district, to a parent or guardian, or to any employee of the school district who is in a position of authority.
Persons are urged to report violations of this policy and no one will in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of sexual harassment concerning a school district employee, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible. A school district employee who is found to have committed sexual harassment toward a student will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of existing collective bargaining agreements and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension or termination of employment, or other disciplinary alternatives.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

300 ADMINISTRATIVE EMPLOYEES
318 Harassment or Misconduct Toward Students by District Employees

BASED UPON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, OR SIMILAR CHARACTERISTIC

The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policy on harassment has been adopted:

Harassment or misconduct that is based upon a person's race, national origin, disability, religion, sexual orientation, or similar characteristic by a district employee directed against or toward another person that occurs on the school district's premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic.

2. Oral or written words communicated by any employee to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic.

3. Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.

4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in Nos. 1-3 above.

If you believe you or another person are the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion or intimidation to prevent a person from reporting harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible.
300 ADMINISTRATIVE EMPLOYEES
318 Harassment or Misconduct Toward Students by District Employees

A school district employee who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of existing collective bargaining agreements and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension or termination of employment, or other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy is consistent with the school districts Multicultural Policy.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.

Adopted: August 26, 1993

Revisions:
The Cape Henlopen School Board believes that all persons (staff and students) are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. Students and staff may expect that no one will be allowed to refer to them through action or remark in a demeaning, degrading, or derogatory manner either within the school or at school activities.

The Cape Henlopen School Board specifically prohibits any kind of hazing. "Hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into, or affiliation with, or as a condition for continued membership in any organization. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, forced calisthenics, exposure to the elements, forced consumption of any food or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as forced exclusion from social contact, coerced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Staff members witnessing any activity that could be interpreted as hazing (or other activity detrimental to students) must immediately report the activity and the participants to an administrator.

Adopted: August 26, 1999

Revisions:
Effective management of District affairs requires reasonable and effective means of resolving difficulties which may arise among management level employees. To reduce potential areas of disagreement, and to establish and maintain recognized two-way channels of communication between the Board and management, this policy is established.

The intent of this policy is that complaints be resolved at the lowest level and in the most informal manner possible. All school personnel who wish to register a complaint must first express such complaint to the immediate supervisor, principal, or administrator in an effort to resolve the problem informally. Informal appeals may proceed through the chain of command to the Superintendent. A complaint, to be considered under this procedure, must be initiated within ten days from the time when the employee knew or should have known of its occurrence.

If the employee is not satisfied with the disposition of the problem through informal procedures; s/he must submit the complaint in writing to the immediate supervisor, principal or administrator. The complaint will specify:

1. nature of complaint;
2. specific problem or part of the problem still unresolved; and,
3. remedy sought.

The immediate supervisor, principal or administrator will respond in writing within five days of receiving the written complaint.

If the employee is not satisfied with the written disposition of the problem, s/he may appeal the decision to the Superintendent through the immediate supervisor, principal or administrator. The appeal must be submitted within five days after the employee received the written disposition and state the following:

1. nature of the complaint;
2. supervisor's response;
3. specific problems or part of the problem still unresolved; and,
4. remedy sought.

The Superintendent or a designee will attempt to resolve the complaint as expeditiously as practical.

An employee may appeal a written decision made by the Superintendent or designee within ten days to the Board of Education through the Superintendent. The appeal will state:

1. nature of the complaint;
2. superintendent or designee's response;
3. specific problem or part of the problem still unresolved; and,
4. remedy sought.

Any appeal submitted to the Superintendent will be presented to the Board by the next regular meeting. Within thirty days, the Board will then either render a decision, request additional information, or establish a date for a hearing. The complainant will be notified in writing of the disposition of the matter.

All information presented at any appeal level must have been presented first at the lowest level unless the information is requested by the person or persons rendering the decision.
The Board of Education of the Cape Henlopen School District adopts the following rules of procedure, which shall govern all hearings before the Board of Education held under the complaint policy.

I. NOTICE OF HEARING

A hearing may be granted upon receipt of a written request signed by an aggrieved persons) stating that a hearing is desired and documentation that due process has been followed as per the complaint policy. In such cases, the Board will notify all parties involved as to the time and place of the hearing.

The communication or letter containing the notice of the date, time, and place of the hearing shall specifically advise the complainant of the following rights:

A. The right to be present at the hearing and to be represented by counsel or by a representative (advocate).

B. The right to hear testimony.

C. The right to give testimony.

D. The right to question, either personally or through counsel/representative, any person giving testimony. When legal counsel/representative is used by the complainant, notice should be given to the Board.

E. The right to an open or closed hearing.

II. ORDER OF PROCEDURE

A. PRELIMINARY MATTERS

1. The president of the Board of Education or his/her designee shall act as presiding officer and will announce that the hearing is being conducted under the provisions of the Board rules governing the conduct of hearings.

2. The presiding officer will declare the hearing to be open and will inquire as to whether the secretary of the Board of Education has met the requirements for giving notice of the hearing as specified in Section I above. The secretary shall provide affirmation that the requirements have been met.

B. PRESENTATION OF EVIDENCE

1. Each side will be permitted to present an opening statement as to the nature of the complaint, the policy or rule violated. This statement is to be a brief overview of the issue before the Board, including the remedy sought. The remedy sought shall be confined to those areas in which the Board has clear authority to act under the Board policies. Opening statements will begin with the complainant, followed by the district representative.
2. The complainant may present evidence and offer testimony concerning the manner in which the complainant feels the official policy of the Board of Education has been misinterpreted or misapplied, or specify the manner in which the complainant's rights have been violated. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administrative staff designated by the secretary to administer the oath.

3. Opportunity will be given at the conclusion of the testimony of each witness, for the district's representatives, the district's attorney, the Board of Education, and the duly designated presiding officer, to ask questions of the witness.

4. The district's representative or attorney may then present evidence or offer testimony which is relevant to the matter being complained. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administrative staff designated by the secretary to administer the oath.

5. Opportunity will be given at the conclusion of testimony of each witness for cross examination by the complainant, his/her attorney/representative, or the members of the Board of Education.

6. Closing statements may be offered first by the complainant, then by the district prior to losing the hearing.

III. GENERAL HEARING PROCEDURES

A. All evidence is admissible which is relevant, material, reliable, and probative, but which is not unduly repetitious or cumulative.

B. Objections to the admission of evidence shall be brief and shall state the ground for such objections.

C. Strict judicial rules of evidence shall not be applicable to hearings conducted under these rules, and in each case the question of admissibility shall be whether the offered evidence is reasonably relevant to the material issue and whether it has substantial probative value with respect to such material issues. The presiding officer may limit or disallow cumulative or repetitious evidence and may curtail redundant questioning.

D. All testimony shall be given under oath with the following form of oath being used: "Do you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge?"

E. All parties in the proceeding may be represented by counsel or representative.
F. The Board may continue, adjourn, or postpone a hearing for good cause upon application of or on behalf of the complainant or on its own application.

G. The Board shall cause an electronic transcript of the hearing to be made by tape recorder or other suitable means of recording. If the complainant shall request a typed transcript of the hearing, he or she shall be responsible for the cost of preparing such transcript.

H. Any person who testifies as a witness shall be subject to the cross examination by other parties in the order set forth in Section II.B. above, unless otherwise determined by the board president or his/her designated presiding representative. Any witness is subject to examination by any member of the Board.

I. Any documents introduced into evidence shall be accepted and marked by the secretary of the Board and shall be made a part of the record of the hearing. Documents introduced by the complainant shall be marked as "Complainant Exhibit," and all documents introduced by the district shall be marked as "District Exhibit," with the exhibits for each side being consecutive numerical designations. The secretary shall prepare minutes, listing the names of all persons present, their attorneys, the witnesses testifying for each side, all exhibits introduced during the course of the hearing, and a brief summary of the proceedings.

J. The Board may take administrative notice of its own acts, records, and policies.

IV. POST-HEARING PROCEDURES

A. Each decision and order of the Board shall be delivered in writing with copies provided to all parties. Each decision and order shall set forth the findings of fact made by the Board and the conclusions based thereon and shall state the specific disposition of the complaint. The Board shall submit its written decision within ten (10) calendar days following the conclusion of the hearing.

B. Copies of the Board decision shall be mailed to the complainant, his or her attorney, and by certified mail, return receipt requested.

C. A complainant who is not satisfied with the decision of the Board may appeal the decision within thirty (30) days to the State Board of Education. This right of appeal is not valid for staff members who are complaining on issues of employment not grievable under the terms of the contract.
| 300 ADMINISTRATIVE EMPLOYEES  |
| 331 Job Related Expenses      |

See Board Policy 613 – District Travel Policy
Each professional and support staff member serves as a vital link to an improved education for students. That link is broken when a single staff member is absent from school. As a result, the ability to provide a thorough and efficient education is weakened. The board recognizes that a reasonable amount of absence due to bona fide sickness or emergency situations is often beyond the control of staff. On the other hand, it believes that the school district is entitled to a reasonable degree of regularity in the attendance of its staff in order to help realize the purposes and mission of the school district.

RECORDS OF ABSENCES

PROOF: The board shall keep an accurate record of the absences from duty and reasons therefore of all employees for whatsoever reason, and may require a statement from the employee when absent because of illness to the effect that he or she was unable to perform his or her duties during the period of absence. A physician's certificate may be required of personnel.

DEDUCTION FOR UNEXCUSED ABSENCE

For each day's absence for reasons other than those permitted by state law, there shall be deducted 1/185th of the annual salary of the employee who is employed for 10 months; 1/204th for the employee who is employed for 11 months; and 1/222nds for the employee who is employed for 12 months, for each day of unexcused absence.

ATTENDANCE PROGRAM

The Superintendent of Schools shall be responsible for establishment of an attendance improvement program that is consistent with proper motivation techniques, correct supervisory practices, and policies in line with the policies of the Board of Education, and abides by the rules and regulations of the State Board of Education.

1. The primary purpose of this attendance program is to maximize staff attendance to foster a thorough and efficient education for students. In keeping with this purpose, the attendance program shall be executed in such a way as to:

   A. Exemplify attendance practices for students to emulate.
   B. Increase teacher-student contact time.
   C. Decrease the amount of interruption in the instructional process.
   D. Protect staff from economic loss encountered in necessary absences.

To encourage exemplary attendance, the Cape Henlopen School District will:

   A. At the close of each year, send letters of appreciation and congratulations to all employees with exemplary attendance (two days or less of absence) the previous year. Copies of the letters will become a part of the personnel file.
   B. At the end of the year, honor at a reception all persons who have exemplary attendance (two days or less of absence). Newspaper articles will provide public recognition.
C. Present a $50 gift card to all staff members who have been absent no more than one day during the school year; a $25 gift card to all staff members who have been absent no more than two days nor less than one and one-half days. Absence from employment for any reason, other than mandated military duty, jury duty or funeral/bereavement will result in days counted against a bond even though the absence was an approved leave. The annual 15 days' military leave for attendance at training camp or to perform special duty does not apply.

D. Reward retirees who have accumulated more than 90 days of sick leave by paying a maximum of $25 or one-half of daily salary, whichever is less, for each day over 90 to a maximum of 150 days.

A person transferring into the district with an accumulated 90 days (or more) will be credited with only 90 days for the purpose of this incentive. The employee must earn at least an additional 30 days in the district and be employed in the district for at least five years to be eligible for this benefit.
There shall be a sick leave policy for administrative employees that ensures that such employees will receive no less than the minimum sick leave provided under law. Such policy shall be in accordance with the following guidelines.

Sick leave for all employees shall accumulate in accordance with Delaware Code Title 14 §1318. Any changes to Delaware Code subsequent to the revision date of this policy will supersede the policy below.

SICK LEAVE AND ABSENCES FOR OTHER REASONS

Administrators and other school employees shall be allowed ten (10) days sick leave per year with full pay; those administrators and other school employees employed eleven (11) months a year shall be allowed 11 days of sick leave per year with full pay; and those administrators and other school employees employed twelve (12) months a year shall be allowed 12 days of sick leave per year with full pay.

A retiring employee will receive payment, upon retirement, in an amount equal to state salary for one-half of the number of "unused" sick leave days. The maximum payment shall not exceed the individual's state salary for 45 days. The employee will receive payment for additional accumulated sick days as provided for in district attendance policy.

RECORDS OF ABSENCES

PROOF: The board shall keep an accurate record of the absences from duty and reasons therefore of all employees for whatsoever reason, and may require a statement from the employee when absent because of illness to the effect that she/he was unable perform his/her duties during the period of absence. A physician's certificate may be required of personnel.

Adopted: June 26, 1986
Revisions: January 14, 2016
This policy shall provide for administrative employee's absence for personal necessity when not otherwise covered by sick leave or disability policies.

EXCUSED ABSENCES SHALL BE FOR THE FOLLOWING REASONS:

1. In case of a death in the immediate family of the employee, there shall be no reduction of salary of said employee for an absence not to exceed five (5) working days. Members of the immediate family shall be defined as the employee’s spouse or domestic partner; parent, stepparent or child of the employee, employee’s grandparent, or grandchild; employee’s sibling; spouse of employee’s child or any relative who resides in the same household; or any minor child for whom the employee has assumed and carried out parental responsibilities. This absence shall be in addition to other leaves granted the employee.

2. In the case of a serious illness of a member of the employee's immediate family, as defined in section (1) of this section that requires the employee's personal attention, an employee may use accrued sick leave. An employee needing sick leave under the provisions of this title shall inform that employee's own immediate supervisor of the fact and reason in advance, when possible, or otherwise before the expiration of the first hour of absence or as soon thereafter as practicable; failure to do so may be cause for denial of pay for the period of absence. Before approving pay for sick leave, the supervisor may at that supervisor's discretion require either a doctor's certificate or a written statement signed by the employee setting forth the reason for the absence. In the case of an absence of more than 5 consecutive days, a doctor's certificate is required as a condition of approval.

3. In case of the death of a near relative, there shall be no deduction in salary of the employee for absence on the day of the funeral. A near relative shall be defined as first cousin, aunt, uncle, niece, nephew, brother-in-law or sister-in-law, grandparent-in-law, or any other friend living in the employee’s household.

4. In the case of the observance of recognized religious holidays, an employee may be absent without loss of pay on no more than three (3) calendar days per year. The days so lost are to be counted against the sick leave of the employee.

5. Employees are permitted to be absent up to three (3) working days per year without loss of pay for personal reasons. Such absence shall be counted against accumulated sick leave benefits of the employee and must be approved by the superintendent. Personal leave days will not be granted when the administrator is responsible for administering semester exams, or if 15% of the staff within a category in the building (teacher, custodian, etc.) have already requested to be absent.

6. Any absence other than provided by State law or Board policy shall be considered unexcused and subject to payroll deduction.

7. Letters of reprimand will be sent to employees taking unexcused leave without pay. An unexcused absence will be considered an act of insubordination and shall be reported to the Board of Education to determine if further action is necessary.
Administrative employees shall be provided vacations in accordance with the following guidelines:

Twelve month employees will earn 2 days of vacation per month of employment.

Twelve month employees will receive one additional vacation day each year for each five years of employment in the district.

The following holidays will be provided and will not count against an employee's vacation time:

- Independence Day
- Labor Day
- Election Day (every two years)
- Return Day (every 2 years, 12 noon)
- Veterans' Day
- Wednesday before Thanksgiving (In lieu of Columbus Day)
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day
- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Good Friday
- Memorial Day

The school district will be closed over winter vacation and affected employees will utilize available vacation days.

Only vacation time that has been earned may be taken without penalty. Vacation time will not be approved against future vacation credit.

Persons entering upon duties on or before the 15th of a month will receive full vacation credit for that month. Persons entering upon duties after the 15th of a month will receive no credit for that month. Resignations effective on or before the 15th of a month will receive no credit for that month. Resignations effective after the 15th of a month will receive full credit.

In the case of resignations and retirements, vacation credit may be used before the effective date; or an employee may elect to receive a lump sum payment for unused vacation time at time of retirement.

By Delaware Law the maximum number of earned vacation days that may be carried over from one fiscal year to the next fiscal year (June 30 to July 1) is forty-two (42) days. Earned carryover time will automatically be carried over for employees with earned vacation time from one fiscal year to the next - up to 42 days. Earned vacation time in excess of 42 days credited to individuals as of June 30 of any year will be deleted at that time.

Compensatory time is not considered to be vacation time and is not normally cumulative. General compensatory time is limited to custodial/maintenance personnel who may need to work in excess of a normal forty-hour work week due to normal responsibilities incurred in the regular job responsibilities; or work in excess of a normal forty-hour week due to emergencies that may be incurred due to the malfunction of school plant equipment or similar situations. When feasible, compensatory time should be used within a week following the crediting of such time to an individual.

Adopted: June 26, 1986
Revisions: July 26, 2007; December 15, 2011
300 ADMINISTRATIVE EMPLOYEES
338 Employee Leave Reporting

In every district school and central office, an attendance designee shall be identified annually, and the name of the designee shall be reported to the business office leave secretary.

Any employee absence, approved or unapproved leave, shall be reported to the attendance designee who shall record all absences on a monthly attendance sheet and compile all “Absence Pre-Approval/Record of Absence” forms, signed and approved by supervisors.

The attendance designee shall provide the district business office leave secretary all information related to employee leave on a monthly basis.

In the district office, the central receptionist shall serve as the attendance designee, recording all absences, compiling paperwork, and providing all information to the business office leave secretary.
300 ADMINISTRATIVE EMPLOYEES
339 Uncompensated Leave

The Board expects all employees to honor their contracts and only under unusual extenuating circumstances with prior approval of the executive secretary would employees be permitted to have days off without pay. Extenuating circumstances will be recognized only once every three (3) years.

Personnel may apply to the Board of Education for an extended leave of absence without pay. Such leaves are not normally granted for the purpose of engaging in gainful employment.

Any absence other than provided by state law or board policy shall be considered unexcused and subject to payroll deduction.

Letters of reprimand will be sent to employees taking unexcused leaves without pay. An unexcused absence will be considered an act of insubordination and shall be reported to the Board of Education to determine if further action is necessary.

Adopted: June 26, 1986
Revisions: July 21, 1994
The district recognizes that there will be times when an employee may be granted permission to perform supervisory duties for programs within our district and for reasons not anticipated nor covered by present Delaware law. However, in granting permission to perform such duties in place of the employee's regular assignment, it is the district's goal to minimize interruption of the educational process. Such permission shall only be granted to permanent full-time and permanent part-time employees who have completed six months or more of continuous service to the district. This permission protects the employee's continuity of service, seniority, salary, and all benefits during the time the specified duty is being performed. Furthermore, the duty request shall originate from within our own district sites.

Examples of such duties could be, but are not limited to: band trips, Odyssey of the Mind competitions, science fairs/symposiums, technology competitions, other academic competitions, or athletic tournaments that occur during the school day. This may also include an employee attending an IEP meeting for his/her own child when the child is receiving services within our district schools or the district is paying tuition for services to outside agencies.

Requests must be submitted by letter to the superintendent, or designee, for approval and is to include appropriate documentation of the event. Generally, a one month notice is required, and no employee will be granted more than one opportunity during a school year.
The retirement of all administrative personnel will be in accordance with the provisions of Delaware Code and related Board policy.

www.delawarepensions.com
In case of damage or vandalism to a professional or classified employee’s clothing, motor vehicle, or other personal possession and when that possession is on school property to assist the employee in carrying out his/her assigned responsibilities, the Cape Henlopen School District shall reimburse the employee that portion of the costs not covered by insurance, including homeowner’s policies or restitution payments.

The following conditions apply.

1. Comparable school-owned equipment not available,
2. The personal possession was on school property no longer than was needed to carry out the employee’s assignment.
3. The employee was not negligent in protecting his/her property, and
4. The person(s) causing the damage was observed in the act, or was convicted in court, or the damage obviously was done on school property.

The reimbursable limit shall be no more than $500 per incident.

Proof of ownership and burden of proof that an item was stolen, damaged, or vandalized rests solely with the employee.
400 PROFESSIONAL EMPLOYEES

404 Employment of Professional Employees
405 Employment of Substitute Professional Employees
408 Employment Contract
411 Reduction in Force, Suspensions and Dismissals
412 Evaluation of Professional Employees
415 Drug and Alcohol Policy for Staff and Chaperons
416 Employee Sexual Harassment or Sexual Misconduct
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The Board places substantial responsibility for the effective operation of the District with professional employees who are employed by the District.

All Professional personnel must qualify under the General Laws of the State of Delaware and the Delaware Professional Standards Board Title 14 Administrative Code 1500.

CHARACTER AND ATTITUDES

All instructional personnel shall be expected to possess the following characteristics:

1. High moral character.
2. Loyalty to the United States and the American cultural heritage and an appreciation of our democratic way of life.
4. Devotion to the profession of education springing from a recognition of its vital place in developing responsible citizens.

APPOINTMENTS

All qualified persons except for the Superintendent of Schools shall be approved by the school Board only upon the recommendation of the Superintendent of Schools.

All Professional personnel shall be duly certified as required by the Delaware Department of Education meeting all requirements for licensure and certification.

HEALTH

All Professional personnel shall be expected to possess good physical and mental health, presenting the Health Examination Certificate upon hire.

SELECTION OF NEW PERSONNEL

1. The Cape Henlopen Board of Education is the legal employing agency of the Cape Henlopen School District. It alone has the power to appoint or dismiss an employee of the school District upon the recommendation of the Superintendent of Schools. The Board recognizes the salary schedule and the unit allotment of personnel fixed by state law, but where necessary may supplement both their salaries and the number of personnel from local school funds.

2. The Cape Henlopen Board of Education favors an intensive teacher recruitment program to provide superior, qualified teachers for the Cape Henlopen School District.
3. The Superintendent of Schools shall recommend to the Cape Henlopen Board of Education all applicants for appointment. Recommendations are to be based upon merit and are to be approved or disapproved by the Board of Education when the rules and regulations covering selection and appointment of an employee have been satisfied.

APPOINTMENT

All applicants for a certified position will submit an application using the District’s online application portal, complying with the reference requirements (three professional references).

The certification requirements for the respective position must be approved by the Delaware Department of Education and Delaware Professional Standards Board Title 14 Administrative Code 1500 prior to the issuing of a contract.

Teachers will be responsible for adhering to the Delaware Professional Teaching Standards Title 14 Administrative Code 1597 (http://regulations.delaware.gov/AdminCode/title14/1500/1597.shtml#TopOfPage)
The Cape Henlopen Board of Education realizes that students, teachers, and programs would certainly suffer without the special efforts of substitutes. Substitutes provide continuity to the students’ instructional program with the same commitment as the regular classroom teachers.

Every attempt will be made to employ qualified and competent substitute teachers. The individuals selected will be employed in accordance with the guidelines listed below.

BOARD-APPROVED, DISTRICT-SPONSORED EDUCATIONAL SUBSTITUTE WORKSHOPS

During each school year, district-sponsored educational workshops may be offered for substitute teachers to enhance their classroom skills. Individuals who successfully complete these activities will be eligible for a special per diem pay incentive as listed below.

1. Those who successfully participate in the entire workshop will be eligible for a $5 increase in their daily rate of substitute pay only for the current school year.

2. If multiple workshops are scheduled, a $5 increase is applicable for each activity attended.

3. The incentives terminate each school year on June 30.

4. The program begins over again each July 1.

5. Eligible workshops will be approved beforehand and announced by the district coordinator of substitute services.

6. District-sponsored educational workshops will attempt to cover the following areas:
   • Child development/behavior
   • Legal issues
   • Health and safety issues
   • Behavior management
   • Student performance
   • Technology

7. This program is not available when doing long-term substituting.

CRIMINAL BACKGROUND CHECKS

Substitutes may become eligible for reimbursement for the cost of their criminal background checks. The criteria listed below must be satisfied.

1. Reimbursement will be considered if a substitute has worked at least 30 full days during the current school year.

2. Total days worked will be verified at the end of each semester and payment issued soon thereafter to those who qualify.

Available to all substitutes.
CUMULATIVE-TERM SUBSTITUTE

1. A cumulative-term substitute is defined as a person who has worked a minimum of 50 days during the current school year in various assignments.

2. Starting on the fifty-first day of service within one school year, the individual will be paid 1.15 times the per diem rate for their classification. The 15% increase will be honored the remainder of the school year and terminates on June 30.

3. This program is not available when doing long-term substituting.

LONG-TERM SUBSTITUTING

Substitute teachers who are assigned a long-term substituting experience of at least 20 consecutive workdays in the same position shall receive the following per diem pay:

1. Day 1 through 20 - regular substitute pay.

2. Starting on the twenty-first day - current bachelor's degree and no experience scale.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

400 PROFESSIONAL EMPLOYEES
408 Employment Contract

DUTIES AND RESPONSIBILITIES OF INSTRUCTIONAL PERSONNEL

Teachers shall be under the general supervision of the superintendent of schools and directly responsible to the principal(s) of the school(s) to which they are assigned, and will perform those duties required by law, by contract, and by the policies of the School Board as well as those duties and responsibilities established by the superintendent of schools and principals.

1. Teachers will familiarize themselves with the policies and regulations of the School Board. The Superintendent of Schools and the respective principals will observe and enforce such policies and regulations. The board policy is available via the District website at the following link: www.capehenloopenschools.com.

2. Teachers will devote themselves faithfully and exclusively to the performance of their duties while on school grounds during school hours.

CONTRACT

All certified personnel must enter into a joint contract with the Board of Education to receive salary payments as specified by state law and local board regulations.

RESIGNATION

All instructional personnel will give notice of their intention to resign at least four weeks in advance, exclusive of school term vacation periods. Exception to this policy may be made only with the approval of the School Board.

Adopted: June 26, 1986
Revisions: March 10, 2016
Maintenance of professional staff appropriate to carry on effectively the educational program of the District is a Board responsibility. The purpose of this policy is to establish the manner in which the necessary reductions of that staff will be accomplished.

Suspension and dismissal of professional employees shall be in accordance with the Laws of Delaware and the rules and regulations of the Board of Education, and the current collective bargaining agreement.

Reduction in Force will be just cause for dismissal. The Board will follow the procedures as agreed to in the current collective bargaining agreement.
There shall be a plan for the regular evaluation of all professional employees of the district. This plan is a part of the regulations of the Department of Education (DOE) known as the Delaware Performance Appraisal System (DPAS II). An excerpt of those regulations and performance appraisal forms are attached to this policy for reference.

(The DPAS II guide is available online at the DOE website at www.doe.k12.de.us/csa/dpasii)

Administrator Forms - http://www.doe.k12.de.us/csa/dpasii/admin/adminforms.shtml

Specialist Forms - http://www.doe.k12.de.us/csa/dpasii/specialist/specforms.shtml

The misuse of drugs and alcohol is serious problem with legal, physical and social implications for the entire school community.

Offenses related to drug and alcohol are very serious both for the individual involved and for the welfare of others in the District. Therefore, the following rules and regulations apply:

1. professional staff are not permitted to consume or be in possession of alcohol/drugs while on school property or at school-related functions. This includes field trips, school sponsored trips, student conferences and other such activities away from the school where students are involved and this includes special functions for chaperones, coaches, etc.;

2. professional staff found possessing or consuming alcohol/drugs on school property or at school related functions will be recommended for suspension or dismissal unless contradicted by the relevant collective bargaining agreement; and,

3. furthermore, professional staff must not be under the influence of alcohol or drugs at school or school related functions; and,

4. should a professional staff member be suspected of violating this provision, disciplinary action as mentioned in No. 2 above will be initiated following the procedures identified in and to the extent afforded by the relevant collective bargaining agreement. (This does not include public events open to adults where staff have no designated responsibility.)
Sexual harassment is a form of employee misconduct which is not tolerated within the offices, schools, buildings, or upon the grounds of the Cape Henlopen School District or at any school-sponsored activity, whether held within or outside the Cape Henlopen School District. Sexual harassment includes unwelcome verbal or physical sexual advances or conduct of a sexual nature, sexually explicit or derogatory statements, or sexually discriminatory remarks made by someone in the workplace. If you believe you are the subject of sexual harassment or are aware of an instance of sexual harassment, you should report the circumstances immediately to the Cape Henlopen School District Title IX coordinator (supervisor of personnel), the superintendent of the Cape Henlopen School District, or to the president of the Board if the complaint involves the superintendent. No one will in any way use threats, coercion, or intimidation to deter an employee from reporting sexual harassment.

Upon notification to the superintendent or the Board president, an investigation of the complaint will be conducted immediately. Confidentiality of the complainant and/or witnesses to the alleged sexual harassment will be maintained to the fullest extent possible. If the circumstances warrant such action, the complainant and/or the alleged harasser may be placed on administrative leave pending completion of the investigation.

An employee found to have committed sexual harassment will be subject to disciplinary action. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension and/or termination of employment. Other remedial action may be taken, as appropriate. Employees who witness sexual harassment (which is not otherwise reported) and do not report the harassment is indicated above may also be subject to disciplinary action.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee bulletin boards in the district.

Adopted: May 27, 1993
Revisions: August 26, 1993
The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policy on sexual harassment has been adopted:

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the Civil Rights Act of 1964, which protects persons in the workplace, and Title IX of the Educational Amendments of 1972, which protects persons from sex discrimination at school.

Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; verbal harassment or abuse; subtle pressure for sexual activity; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by implied threats relating to job or school performance and evaluation; and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- written contact: suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- visual contact: sexually suggestive looks or gestures; displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
- verbal contact: sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- physical contact: uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- retaliation: any action taken or threatened against another person for complaining about any of the behaviors described above.

If you believe you are the subject of sexual harassment or if you become aware of an instance of sexual harassment, you should report the circumstances immediately to a teacher or the principal or assistant principal of your school, to the superintendent of the school district, to a parent or guardian, or to any employee of the school district who is in a position of authority.
Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of sexual harassment concerning a school district employee, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible.

A school district employee who is found to have committed sexual harassment toward a student will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of existing collective bargaining agreements and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension or termination of employment, or other disciplinary alternatives.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.

Adopted: August 26, 1993  

Revisions:
400 PROFESSIONAL EMPLOYEES
418 Harassment or Misconduct Toward Students by District Employees

BASED UPON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, OR SIMILAR CHARACTERISTIC

The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district’s efforts to foster such a learning environment and in accordance with state and federal law, the following policy on harassment has been adopted:

Harassment or misconduct that is based upon a person’s race, national origin, disability, religion, sexual orientation, or similar characteristic by a district employee directed against or toward another person that occurs on the school district’s premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim’s race, national origin, disability, religion, sexual orientation, or similar characteristic.

2. Oral or written words communicated by any employee to another person that attack, degrade, stereotype, or offend based on the person’s race, national origin, disability, religion, sexual orientation, or similar characteristic.

3. Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.

4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in Nos. 1-3 above.

If you believe you or another person are the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion or intimidation to prevent a person from reporting harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible.
A school district employee who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of existing collective bargaining agreements and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension or termination of employment, or other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy is consistent with the school districts Multicultural Policy.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.
The Board of Education of the Cape Henlopen School District subscribes to the following as a guiding principle in the matter of outside employment of employees. "Engage in no gainful outside employment, where the employment affects adversely the professional status or standing with students, associates and/or the Cape Henlopen School District."

The personal life of a professional employee is not an appropriate concern or attention of the Board except as it may significantly impair the professional employee from performing his/her assigned functions during the workday.
The Cape Henlopen School Board believes that all persons (staff and students) are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. Students and staff may expect that no one will be allowed to refer to them through action or remark in a demeaning, degrading, or derogatory manner either within the school or at school activities.

The Cape Henlopen School Board specifically prohibits any kind of hazing. "Hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into, or affiliation with, or as a condition for continued membership in any organization. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, forced calisthenics, exposure to the elements, forced consumption of any food or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as forced exclusion from social contact, coerced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Staff members witnessing any activity that could be interpreted as hazing (or other activity detrimental to students) must immediately report the activity and the participants to an administrator.
The Board considers the acceptance of gifts by professional staff members an undesirable practice.

Except as may be expressly authorized by the School Board or the Superintendent of Schools, no teacher will accept a gratuity of money or of goods having a substantial value from any pupil under the teacher's instruction or from any parent or guardian of any such pupil for the provision of services for which the teacher is receiving compensation from the School District.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

**400 PROFESSIONAL EMPLOYEES**

424 Personnel Files

It is necessary for the orderly operation of the school district to maintain a file for the retention of all papers bearing upon an individual's duties and responsibilities as an employee of the district.

The board requires that sufficient records be maintained to ensure an employee's qualifications for the job held, compliance with federal and State statutes, local benefit programs, and conformance with district rules and evidence of completed evaluations.

The board delegates the establishment and maintenance of official personnel records to the superintendent.

Professional employees shall have access to their own file as per the Cape Henlopen Education Association (CHEA) contract.

The superintendent shall prepare guidelines defining the material to be incorporated into personnel records.

Adopted: June 26, 1986
Revisions: January 26, 2017
The policy of the Board is to establish reasonable and effective means of resolving difficulties which may arise among employees, reduce potential areas of complaints and to establish and maintain recognized two-way channels of communication between supervisory personnel and professional employees not otherwise covered by the terms of a collective bargaining agreement.

The intent of this policy is that complaints be resolved at the lowest level and in the most informal manner possible. All school personnel who wish to register a complaint must first express such complaint to the immediate supervisor, principal, or administrator in an effort to resolve the problem informally. Informal appeals may proceed through the chain of command to the Superintendent. A complaint, to be considered under this procedure, must be initiated within ten days from the time when the employee knew or should have known of its occurrence.

If the employee is not satisfied with the disposition of the problem through informal procedures; s/he must submit the complaint in writing to the immediate supervisor, principal or administrator. The complaint will specify:

1. nature of complaint;
2. specific problem or part of the problem still unresolved; and,
3. remedy sought.

The immediate supervisor, principal or administrator will respond in writing within five days of receiving the written complaint.

If the employee is not satisfied with the written disposition of the problem, s/he may appeal the decision to the Superintendent through the immediate supervisor, principal or administrator. The appeal must be submitted within five days after the employee received the written disposition and state the following:

1. nature of the complaint;
2. supervisor's response;
3. specific problems or part of the problem still unresolved; and,
4. remedy sought.

The Superintendent or a designee will attempt to resolve the complaint as expeditiously as practical.

An employee may appeal a written decision made by the Superintendent or designee within ten days to the Board of Education through the Superintendent. The appeal will state:

1. nature of the complaint;
2. superintendent or designee's response;
3. specific problem or part of the problem still unresolved; and,
4. remedy sought.

Any appeal submitted to the Superintendent will be presented to the Board by the next regular meeting. Within thirty days, the Board will then either render a decision, request additional information, or establish a date for a hearing. The complainant will be notified in writing of the disposition of the matter.

All information presented at any appeal level must have been presented first at the lowest level unless the information is requested by the person or persons rendering the decision.

The policy will not pertain to grievable items.
The Board of Education of the Cape Henlopen School District adopts the following rules of procedure, which shall govern all hearings before the Board of Education held under the complaint policy.

I. NOTICE OF HEARING

A hearing may be granted upon receipt of a written request signed by an aggrieved persons) stating that a hearing is desired and documentation that due process has been followed as per the complaint policy. In such cases, the Board will notify all parties involved as to the time and place of the hearing.

The communication or letter containing the notice of the date, time, and place of the hearing shall specifically advise the complainant of the following rights:

A. The right to be present at the hearing and to be represented by counsel or by a representative (advocate).

B. The right to hear testimony.

C. The right to give testimony.

D. The right to question, either personally or through counsel/representative, any person giving testimony. When legal counsel/representative is used by the complainant, notice should be given to the Board.

E. The right to an open or closed hearing.

II. ORDER OF PROCEDURE

A. PRELIMINARY MATTERS

1. The president of the Board of Education or his/her designee shall act as presiding officer and will announce that the hearing is being conducted under the provisions of the Board rules governing the conduct of hearings.

2. The presiding officer will declare the hearing to be open and will inquire as to whether the secretary of the Board of Education has met the requirements for giving notice of the hearing as specified in Section I above. The secretary shall provide affirmation that the requirements have been met.

B. PRESENTATION OF EVIDENCE

1. Each side will be permitted to present an opening statement as to the nature of the complaint, the policy or rule violated. This statement is to be a brief overview of the issue before the Board, including the remedy sought. The remedy sought shall be confined to those areas in which the Board has clear authority to act under the Board policies. Opening statements will begin with the complainant, followed by the district representative.
2. The complainant may present evidence and offer testimony concerning the manner in which the complainant feels the official policy of the Board of Education has been misinterpreted or misapplied, or specify the manner in which the complainant's rights have been violated. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administrative staff designated by the secretary to administer the oath.

3. Opportunity will be given at the conclusion of the testimony of each witness, for the district's representatives, the district's attorney, the Board of Education, and the duly designated presiding officer, to ask questions of the witness.

4. The district's representative or attorney may then present evidence or offer testimony which is relevant to the matter being complained. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administrative staff designated by the secretary to administer the oath.

5. Opportunity will be given at the conclusion of testimony of each witness for cross examination by the complainant, his/her attorney/representative, or the members of the Board of Education.

6. Closing statements may be offered first by the complainant, then by the district prior to losing the hearing.

III. GENERAL HEARING PROCEDURES

A. All evidence is admissible which is relevant, material, reliable, and probative, but which is not unduly repetitious or cumulative.

B. Objections to the admission of evidence shall be brief and shall state the ground for such objections.

C. Strict judicial rules of evidence shall not be applicable to hearings conducted under these rules, and in each case the question of admissibility shall be whether the offered evidence is reasonably relevant to the material issue and whether it has substantial probative value with respect to such material issues. The presiding officer may limit or disallow cumulative or repetitious evidence and may curtail redundant questioning.

D. All testimony shall be given under oath with the following form of oath being used: "Do you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge?"

E. All parties in the proceeding may be represented by counsel or representative.

F. The Board may continue, adjourn, or postpone a hearing for good cause upon application of or on behalf of the complainant or on its own application.
400 PROFESSIONAL EMPLOYEES
426.1 Rules of Procedure for Conducting Complaint Hearings

G. The Board shall cause an electronic transcript of the hearing to be made by tape recorder or other suitable means of recording. If the complainant shall request a typed transcript of the hearing, he or she shall be responsible for the cost of preparing such transcript.

H. Any person who testifies as a witness shall be subject to the cross examination by other parties in the order set forth in Section II.B. above, unless otherwise determined by the Board president or his/her designated presiding representative. Any witness is subject to examination by any member of the Board.

I. Any documents introduced into evidence shall be accepted and marked by the secretary of the Board and shall be made a part of the record of the hearing. Documents introduced by the complainant shall be marked as "Complainant Exhibit," and all documents introduced by the district shall be marked as "District Exhibit," with the exhibits for each side being consecutive numerical designations. The secretary shall prepare minutes, listing the names of all persons present, their attorneys, the witnesses testifying for each side, all exhibits introduced during the course of the hearing, and a brief summary of the proceedings.

J. The Board may take administrative notice of its own acts, records, and policies.

IV. POST-HEARING PROCEDURES

A. Each decision and order of the Board shall be delivered in writing with copies provided to all parties. Each decision and order shall set forth the findings of fact made by the Board and the conclusions based thereon and shall state the specific disposition of the complaint. The Board shall submit its written decision within ten (10) calendar days following the conclusion of the hearing.

B. Copies of the Board decision shall be mailed to the complainant, his or her attorney, and by certified mail, return receipt requested.

C. A complainant who is not satisfied with the decision of the Board may appeal the decision within thirty (30) days to the State Board of Education. This right of appeal is not valid for staff members who are complaining on issues of employment not grievable under the terms of the contract.
The Board of Education of the Cape Henlopen School District adopts and promulgates the following rules of procedure, which shall govern all hearings before the Board of Education held under Level IV of the Grievance Procedure outlined under the terms of the negotiated agreement between the Board of Education and the Cape Henlopen Education Association.

I. NOTICE OF HEARING

A hearing shall be granted upon receipt of a written request signed by the aggrieved teachers stating that a hearing is desired on the grievance. In such cases, the Board will notify the aggrieved teachers as to the time and place of the hearing, taking into consideration the availability of the aggrieved teacher(s).

The communication or letter containing the notice of the date, time, and place of the hearing shall specifically advise the aggrieved teachers of the following rights:

A. The right to be present at the hearing and to be represented by counsel or by a representative of the local, state, or national association.

B. The right to hear testimony in behalf of the aggrieved teacher(s).

C. The right to give testimony in behalf of the aggrieved teacher(s).

D. To question, either personally, through counsel, or by a representative of the local, state, or national association, any person giving testimony. (When legal counsel is to be used or employed by the Board, the aggrieved teachers) shall be notified in advance to permit them to be advised by counsel, if they so desire.) When legal counsel is to be used by the aggrieved teacher(s), notice should likewise be given to the Board.

E. That the Board shall have a closed hearing as provided in the written Grievance Procedure.

II. ORDER OF PROCEDURE

A. PRELIMINARY MATTERS

1. The president of the Board of Education or his/her designated member or nonmember representative shall act as presiding officer and will announce that the hearing is being conducted under the provisions of the Board rules governing the conduct of Level IV Grievance Procedure hearings. The presiding officer will declare the hearing to be open and will inquire as to whether the secretary of the Board of Education has met the requirements for giving notice of the hearing as specified in Section I above.
2. The secretary of the Board of Education shall produce a copy of the notice of hearing letter mailed to the aggrieved teachers) with a return receipt showing prior delivery thereof or a signed acknowledgment of hand-delivery. The secretary shall also state that the hearing on the termination is being held within fifteen (15) school days after receipt by the Board of the request for hearing. (Any time limits specified in these rules may be extended only by agreement of the Board and the aggrieved teachers) in writing and only by those having the authority to extend such time limits.)

B. PRESENTATION OF EVIDENCE

1. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administration staff designated by the secretary to administer the oath. The aggrieved teacher(s), their attorney, or their designated representative of the local, state, or national association may make an opening statement and may offer testimony by the aggrieved teacher(s) concerning the manner in which the aggrieved teacher(s) claim(s) that the professional negotiation agreement or official policy of the Board of Education appearing in the Board's policy manual has been misinterpreted or misapplied, or specify the manner in which the contractual rights of the aggrieved teacher(s) have been violated. The remedy sought by the aggrieved teacher(s) shall be confined to those areas in which the Board has clear authority to act or negotiate under the terms of the applicable negotiation agreement.

2. Opportunity will be given at the conclusion of the testimony of each witness, for the Board of Education, the duly designated presiding officer, or its attorney, for cross-examination of any witness on behalf of the aggrieved teacher(s).

3. The Board or the Board's designated representative or attorney may make an opening statement and may offer testimony which is relevant to the matter being grieved.

4. Opportunity will be given at the conclusion of testimony of each witness for the Board, for cross-examination by the aggrieved teacher(s), their attorney, or duly authorized representative.

5. The aggrieved teachers) will be given an opportunity to present any testimony in rebuttal to that offered by or on behalf of the Board, including the calling or recalling of witnesses to testify in rebuttal.

6. Opportunity will be given for cross examination of rebuttal witnesses by or on behalf of the Board. Closing statements may be offered first by the aggrieved teacher(s), then by the Board, with the last closing statement to be made by or in behalf of the aggrieved teacher(s).
III. GENERAL HEARING PROCEDURES

A. All evidence is admissible which is relevant, material, reliable, and probative, but which is not unduly repetitious or cumulative.

B. Objections to the admission of evidence shall be brief and shall state the ground for such objections. Objections with regard to the form or question will not be considered.

C. Strict judicial rules of evidence shall not be applicable to hearings conducted under these rules, and in each case the question of admissibility shall be whether the offered evidence is reasonably relevant to material factual issue and whether it has substantial probative value with respect to such material issues. The presiding officer may limit or disallow cumulative or repetitious evidence and may curtail redundant questioning.

D. All testimony shall be given under oath, with the following form of oath being used: "Do you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge?"

E. All parties in the proceeding may be represented by counsel.

F. The Board may continue, adjourn, or postpone a hearing for good cause upon application of or on behalf of the aggrieved teachers or on its own application.

G. The Board shall cause an electronic transcript of the hearing to be made by tape recorder or other suitable means of recording. If the teacher shall request a typed transcript of the hearing, he or she shall be responsible for the cost of preparing such transcript.

H. Any person who testifies as a witness shall be subject to the cross-examination by the other parties in the order set forth in Section II B. above, unless, otherwise determined by the Board president or his/her designated presiding representative. Any witness is subject to examination by any member of the Board.

I. Any documents introduced into evidence shall be, accepted and marked by the secretary of the Board and shall be made a part of the record of the hearing. Documents introduced by the aggrieved teacher(s) shall be marked as "Teacher Exhibit," and all documents introduced by the Board shall be marked as "Board Exhibit," with the exhibits for each side being consecutive numerical designations, such as "Teacher Exhibit 1 " or "Board Exhibit 1." The secretary shall prepare minutes, listing the names of all persons present, their attorneys, the witnesses testifying for each side, all exhibits introduced during the course of the hearing, and a brief summary of the proceedings.

J. The Board may take administrative notice of its own acts, records, and policies.
V. POST-HEARING PROCEDURES

A. Each decision and order of the Board shall be delivered in writing with copies provided to all parties. Each decision and order shall set forth the findings of fact made by the Board and the conclusions based thereon and shall state the specific disposition of the grievance of the aggrieved teacher(s). The Board shall submit its written decision to the aggrieved teacher(s) within ten (10) days following the conclusion of the hearing on the grievance.

B. Copies of the Board decision shall be mailed to the aggrieved teacher(s), their attorney, and to any other duly authorized representative of the aggrieved teacher(s) by certified mail, return receipt requested.
Professional employees of the Board of Education will be paid the state salary according to the current state salary schedule. Local supplements will reflect the current collective bargaining agreement.
400 PROFESSIONAL EMPLOYEES
431 Job Related Expenses

See Board Policy 613 – District Travel Policy
Work schedules of the professional and teaching staff shall be clearly specified in accordance with this policy to ensure the smooth and regular operation of the school district.

The workday for employees in the bargaining unit shall be 7 hours and 30 minutes.

Exceptions to the 7 hours and 30 minutes workday may be required for parent conferences, student assistance, staff and committee meetings, parent-teacher open house evenings, emergencies due to weather conditions and detention duties.
Each professional and support staff member serves as a vital link to an improved education for students. That link is broken when a single staff member is absent from school. As a result, the ability to provide a thorough and efficient education is weakened. The board recognizes that a reasonable amount of absence due to bona fide sickness or emergency situations is often beyond the control of staff. On the other hand, it believes that the school district is entitled to a reasonable degree of regularity in the attendance of its staff in order to help realize the purposes and mission of the school district.

RECORDS OF ABSENCES:

PROOF: The board shall keep an accurate record of the absences from duty and reasons therefore of all employees, for whatsoever reason, and may require a statement from the employee when absent because of illness to the effect that he or she was unable to perform his or her duties during the period of absence. A physician's certificate may be required of personnel.

DEDUCTION FOR UNEXCUSED ABSENCE

For each day’s absence, for reasons other than those permitted by state law, there shall be deducted the appropriate per diem rate for each day of unexcused absence.

ATTENDANCE PROGRAM

The Superintendent of Schools shall be responsible for establishment of an attendance improvement program that is consistent with proper motivation techniques, correct supervisory practices, and policies in line with the policies of the Board of Education and abides by the rules and regulations of the State Board of Education.

1. The primary purpose of this attendance program is to maximize staff attendance to foster a thorough and efficient education for students. In keeping with this purpose, the attendance program shall be executed in such a way as to:

   A. Exemplify attendance practices for students to emulate.

   B. Increase teacher-student contact time.

   C. Decrease the amount of interruption in the instructional process.

   D. Protect staff from economic loss encountered in necessary absences.

To encourage exemplary attendance, the Cape Henlopen School District will:

   A. At the close of each year, send letters of appreciation and congratulations to all employees with exemplary attendance (two days or less of absence) the previous year. Copies of the letters will become a part of the personnel file.

   B. At the end of the year, honor at a reception all persons who have exemplary attendance (two days or less of absence). Newspaper articles will provide public recognition.
<table>
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<th>400 PROFESSIONAL EMPLOYEES</th>
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<td>433 Attendance Program</td>
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C. Present a $50 gift card to all staff members who have been absent no more than one day during the school year; a $25 gift card to all staff members who have been absent no more than two days nor less than one and one-half days. Absence from employment for any reason, other than mandated military duty, jury duty or funeral/bereavement will result in days counted against a bond even though the absence was an approved leave. The annual 15 days' military leave for attendance at training camp or to perform special duty does not apply.

D. Reward retirees who have accumulated more than 90 days of sick leave by paying a maximum of $25 or one-half of daily salary, whichever is less, for each day over 90 to a maximum of 150 days.

A person transferring into the district with an accumulated 90 days (or more) will be credited with only 90 days for the purpose of this incentive. The employee must earn at least an additional 30 days in the district and be employed in the district for at least five years to be eligible for this benefit.
There shall be a sick leave policy for professional employees that ensures that such employees will receive no less than the minimum sick leave provided under law. Such policy shall be in accordance with the following guidelines.

Sick leave for all employees shall accumulate in accordance with Delaware Code Title 14 §1318. Any changes to Delaware Code subsequent to the revision date of this policy will supersede the policy below.

SICK LEAVE AND ABSENCES FOR OTHER REASONS

Teachers and other school employees shall be allowed ten (10) days sick leave per year with full pay; those teachers and other school employees employed eleven (11) months a year shall be allowed 11 days of sick leave per year with full pay; and those teachers and other school employees employed twelve (12) months a year shall be allowed 12 days of sick leave per year with full pay.

A retiring employee will receive payment, upon retirement, in an amount equal to state salary for one half of the number of "unused" sick leave days. The maximum payment shall not exceed the individual's state salary for 45 days. The employee will receive payment for additional accumulated sick days as provided for in district attendance policy.

RECORDS OF ABSENCES

PROOF: The board shall keep an accurate record of the absences from duty and reasons therefore of all employees for whatsoever reason, and may require a statement from the employee when absent because of illness to the effect that s/he was unable to perform his/her duties during the period of absence. A physician's certificate may be required of personnel.
400 PROFESSIONAL EMPLOYEES
436 Personal Necessity Leave

This policy shall provide for administrative employee's absence for personal necessity when not otherwise covered by sick leave or disability policies.

EXCUSED ABSENCES SHALL BE FOR THE FOLLOWING REASONS:

1. In case of a death in the immediate family of the employee, there shall be no reduction of salary of said employee for an absence not to exceed five (5) working days. Members of the immediate family shall be defined as the employee's spouse or domestic partner; parent, stepparent or child of the employee, employee's grandparent, or grandchild; employee's sibling; spouse of employee's child or any relative who resides in the same household; or any minor child for whom the employee has assumed and carried out parental responsibilities. This absence shall be in addition to other leaves granted the employee.

2. In the case of a serious illness of a member of the employee's immediate family, as defined in section (1) of this section that requires the employee's personal attention, an employee may use accrued sick leave. An employee needing sick leave under the provisions of this title shall inform that employee's own immediate supervisor of the fact and reason in advance, when possible, or otherwise before the expiration of the first hour of absence or as soon thereafter as practicable; failure to do so may be cause for denial of pay for the period of absence. Before approving pay for sick leave, the supervisor may at that supervisor's discretion require either a doctor's certificate or a written statement signed by the employee setting forth the reason for the absence. In the case of an absence of more than 5 consecutive days, a doctor's certificate is required as a condition of approval.

3. In case of the death of a near relative, there shall be no deduction in salary of the employee for absence on the day of the funeral. A near relative shall be defined as first cousin, aunt, uncle, niece, nephew, brother-in-law or sister-in-law, grandparent-in-law, or any other friend living in the employee's household.

4. In the case of the observance of recognized religious holidays, an employee may be absent without loss of pay on no more than three (3) calendar days per year. The days so lost are to be counted against the sick leave of the employee.

5. Employees are permitted to be absent up to three (3) working days per year without loss of pay for personal reasons. Such absence shall be counted against accumulated sick leave benefits of the employee and must be approved by the superintendent. Personal leave days will not be granted when the administrator is responsible for administering semester exams, or if 15% of the staff within a category in the building (teacher, custodian, etc.) have already requested to be absent.

6. Any absence other than provided by State law or Board policy shall be considered unexcused and subject to payroll deduction.

7. Letters of reprimand will be sent to employees taking unexcused leave without pay. An unexcused absence will be considered an act of insubordination and shall be reported to the Board of Education to determine if further action is necessary.

Adopted: June 26, 1986
Revisions: December 10, 2009
In every district school and central office, an attendance designee shall be identified annually, and the name of the designee shall be reported to the business office leave secretary.

Any employee absence, approved or unapproved leave, shall be reported to the attendance designee who shall record all absences on a monthly attendance sheet and compile all “Absence Pre-Approval/Record of Absence” forms, signed and approved by supervisors.

The attendance designee shall provide the district business office leave secretary all information related to employee leave on a monthly basis.

In the district office, the central receptionist shall serve as the attendance designee, recording all absences, compiling paperwork, and providing all information to the business office leave secretary.
The Board expects all employees to honor their contracts and only under unusual extenuating circumstances with prior approval of the executive secretary would employees be permitted to have days off without pay. Extenuating circumstances will be recognized only once every three (3) years.

Personnel may apply to the Board of Education for an extended leave of absence without pay. Such leaves are not normally granted for the purpose of engaging in gainful employment.

Any absence other than provided by state law or board policy shall be considered unexcused and subject to payroll deduction.

Letters of reprimand will be sent to employees taking unexcused leaves without pay. An unexcused absence will be considered an act of insubordination, and shall be reported to the Board of Education to determine if further action is necessary.
The district recognizes that there will be times when an employee may be granted permission to perform supervisory duties for programs within our district and for reasons not anticipated nor covered by present Delaware law. However, in granting permission to perform such duties in place of the employee’s regular assignment, it is the district's goal to minimize interruption of the educational process. Such permission shall only be granted to permanent full-time and permanent part-time employees who have completed six months or more of continuous service to the district. This permission protects the employee’s continuity of service, seniority, salary, and all benefits during the time the specified duty is being performed. Furthermore, the duty request shall originate from within our own district sites.

Examples of such duties could be, but are not limited to: band trips, Odyssey of the Mind competitions, science fairs/symposiums, technology competitions, other academic competitions, or athletic tournaments that occur during the school day. This may also include an employee attending an IEP meeting for his/her own child when the child is receiving services within our district schools or the district is paying tuition for services to outside agencies.

Requests must be submitted by letter to the superintendent, or designee, for approval and is to include appropriate documentation of the event. Generally, a one month notice is required, and no employee will be granted more than one opportunity during a school year.

| Adopted: April 24, 1997 | Revisions: September 14, 2005 |
CAPE HENLOPEN SCHOOL DISTRICT  
BOARD POLICY

400 PROFESSIONAL EMPLOYEES
449 Retirement

The retirement of all professional personnel will be in accordance with the provisions of Delaware Code and related Board policy.

www.delawarepensions.com

Adopted: June 26, 1986
Revisions: February 9, 2017
In case of damage or vandalism to a professional or classified employee’s clothing, motor vehicle, or other personal possession and when that possession is on school property to assist the employee in carrying out his/her assigned responsibilities, the Cape Henlopen School District shall reimburse the employee that portion of the costs not covered by insurance, including homeowner’s policies or restitution payments.

The following conditions apply.

1. Comparable school-owned equipment not available,
2. The personal possession was on school property no longer than was needed to carry out the employee’s assignment.
3. The employee was not negligent in protecting his/her property, and
4. The person(s) causing the damage was observed in the act, or was convicted in court, or the damage obviously was done on school property.

The reimbursable limit shall be no more than $500 per incident.

Proof of ownership and burden of proof that an item was stolen, damaged, or vandalized rests solely with the employee.
500 CLASSIFIED EMPLOYEES

503 Employment of Coaches
504 Employment of Classified Personnel
509 Assignment and Transfer
511 Reduction in Force, Suspensions and Dismissals
512 Evaluation of Support Staff Employees
515 Drug and Alcohol Policy for Staff and Chaperons
516 Employee Sexual Harassment or Sexual Misconduct
517 Sexual Harassment of Students by District Employees
518 Harassment or Misconduct Toward Students by District Employee
520 Treatment of Students
526 Complaint Policy
526.1 Rules of Procedure for Conducting Complaint Hearings
528 Wage and Salary Determination
532 Working Periods
533 Attendance Program
534 Sick Leave
536 Personal Necessity Leave
537 Vacation/Holidays
538 Employee Leave Reporting
539 Uncompensated Leave
540 Supervisory Duty, Leave from the Regular Assignment
548 Sabbatical Leave
549 Retirement
550 Vandalism Reimbursement
The Board recognizes interscholastic athletics as an integral part of the total school experience to all students of the district and to the community. The Cape Henlopen School District will strive to provide the coaches, equipment, cooperation, and support necessary to establish and/or maintain successful athletic programs. All programs will meet district expectations in regard to academics, attendance, and discipline.

HIRING OF COACHES

1. Head coaches who receive satisfactory end-of-the-season evaluations and are 7.1 coaches (faculty members) may be recommended for renewal to the Board for the following school year by the building principal. Notification of interest to continue must be submitted by the coach to the building principal no later than 30 school days after the last interscholastic contest. Interviews will not be required for renewals. Head coach positions not filled will be posted within 30 days from end of the contract period.

2. Assistant coaches who receive satisfactory end-of-the-season evaluations and are 21A coaches (faculty members) may be recommended for renewal to the Board for the following school year. This action must be approved by the building principal and head coach. Notification of interest must be submitted to the building principal before the positions are advertised. Interviews will not be required for renewals.

3. A separate evaluation form will be used to evaluate coaching duties.

4. Those positions not endorsed for renewal or held by 7.2 (non-faculty members) must be declared vacant and reopened as part of the advertisement process.

5. When posting vacancies, the guidelines established in the employee contracts will be followed.

6. The district may first issue vacancy announcements that require applicants to be in-house employees covered by the negotiated agreement.

7. Candidates for head coaching positions at the high school level will be interviewed by the supervisor of personnel, building principal, and athletic director. Additional committee members may be appointed by the superintendent or his/her designee to assure that the interview team includes individuals who are knowledgeable about the sport.

8. Candidates for assistant coaching positions at the high school level will be interviewed by a building-level administrator, the athletic director, and appropriate head coach.

9. Candidates for head coaching positions at the middle school level will be interviewed by a committee selected by the principal and athletic director.

10. Candidates for assistant coaching positions at the middle school level will be interviewed by a committee and approved by the principal and athletic director.
11. Structured interviews shall be conducted and characterized by a set of written core questions prepared in advance and that address the performance requirements of the position.

12. Final recommendations will be made after the interviewers have been polled in an attempt to reach consensus.

13. If necessary, the person being recommended for hire will be eligible for certification as a professional public school employee.

14. All successful candidates will be required to obtain a satisfactory criminal background check.

15. The Cape Henlopen Board of Education is the only legal employing agency of the Cape Henlopen School District. The Board has the power to appoint an employee based upon the recommendation of the superintendent of schools.

16. All candidates will receive a letter informing them about the final decision to hire after the Board has taken action on the recommendation.

17. Exceptions to this policy must be approved beforehand by the superintendent of schools.
The Board recognizes the significant role that qualified, classified employees play in the effective operation of the educational programs of the district.

GENERAL PROVISIONS

QUALIFICATIONS

All support service personnel employed by the Cape Henlopen Board of Education shall qualify under the rules and regulations of the State Board of Education, the general laws of Delaware, and Board Policy.

APPOINTMENT

Candidate screening will be conducted by the personnel office on the basis of the applications received.

"Qualified applicants" will be those who meet the minimum qualifications and have completed the application requirements. All candidates who are qualified for employment will be eligible for the interview process. However, all candidates may not be selected for an interview.

During the interview process, a thorough effort will be made to hire the most qualified applicant. If the interview team determines that the qualifications of the most qualified applicants are equal, preference shall be given to the applicants residing in the Cape Henlopen School District.

The Cape Henlopen Board of Education is the legal employing agency of the Cape Henlopen School District. The Board has the power to appoint an employee based upon the recommendation of the superintendent of schools. All those candidates who participate in the actual interview process will receive a letter informing them about the final decision to hire after the Board has taken action on the recommendation.

SUPERVISION

All such personnel employed by the School Board shall be under the general supervision of the superintendent of schools and directly responsible to their immediate supervisors.

RESIGNATION

The Board realizes that under certain conditions, it may be necessary for an employee to terminate his/her employment. In such cases, the employee is to give the superintendent of schools a minimum of twenty (20) calendar days written notice of resignation. All resignations should be in writing, addressed to the superintendent of schools, and are binding when approved by the Board. Personal business and sick leave are not paid upon termination of employment. Employees who terminate their employment without proper notice may become ineligible for reemployment consideration for a period of three (3) years.
QUALIFICATIONS OF CAFETERIA STAFF

1. MANAGERS: All cafeteria managers shall have a minimum of high school education or an equivalent of experience related to the responsibilities of the position. In addition to the above qualifications, managers shall have displayed the ability to organize and lead other workers, an understanding of bulk cooking, and an understanding of planning that is essential for efficient purchasing and managing of cafeteria operations.

2. GENERAL WORKERS: All cafeteria workers shall be in good physical health and have the ability to, under guidance and supervision, use the special skills necessary to prepare and serve school lunches as well as maintain a clean and efficient cafeteria operation.

SECRETARIES AND RECEPTIONISTS

1. QUALIFICATIONS: All secretaries and receptionists shall have a minimum of a high school education and shall present evidence of training and/or experience in general secretarial practices.

2. DUTIES AND RESPONSIBILITIES: All secretaries and receptionists shall be responsible to their immediate superiors and under the general supervision of the superintendent of schools. The specific duties and responsibilities will be defined by their immediate superiors who will supervise their work.

SCHOOL CUSTODIANS

1. QUALIFICATIONS: All custodians shall have a minimum of a high school education, or an equivalent in experience related to the responsibilities of the position.

2. DUTIES: All custodians shall be responsible to the supervisor of buildings and grounds, the chief custodians, and their building principals, and under the general supervision of the superintendent of schools (or other appointed representative).

3. All custodians shall keep their respective assigned areas clean, safe, and comfortable and shall see that the grounds and approaches are neat in appearance according to assigned duties.

SCHOOL NURSES

1. QUALIFICATIONS: All school nurses must meet the appropriate certification requirements as prescribed by the state Department of Education and the general laws of Delaware.

2. APPOINTMENT: School nurses shall be recommended for appointment by the superintendent of schools for the approval of the School Board.

3. DUTIES AND RESPONSIBILITIES: School nurses shall be directly responsible to their building principals and under the general supervision of the superintendent of schools. The school nurses shall perform such duties as will assure personal well being of all pupils in the Cape Henlopen School District, including calling parents to determine reasons for absences.

4. School nurses will wear lab coats or uniforms when on duty in the schools.
5. HOME VISITS: School nurses may contact or visit the homes of such children as have been found to need treatment and explain to the parent or guardian the necessity of having the child treated.

6. RECOMMENDATIONS: School nurses shall not recommend to parents any particular physician to treat a child nor shall they prescribe any medicine or drug for any such child.

7. HEALTH SERVICES: Health services which are a part of the school health program are divided into phases:
   a. HEALTH APPRAISAL:
      (1) Physical examinations before entering school by family physician.
      (2) Yearly heights and weights.
      (3) Vision testing with recommended procedure.
      (4) Hearing tests.
      (5) Children who have been absent due to illness are checked by the nurse upon returning to school if, in the judgment of the teacher, such check is necessary.
   b. FOLLOW-UP AND INTERPRETATION: Parents are notified of hearing and visual difficulties and any deviation from the norm which the nurse may suspect.
   c. EMERGENCY CARE: First aid is given. If the services of a doctor are necessary, those of a local physician or emergency room are secured. Parents are notified.
The successful functioning of the District depends in large measure on the proper placement of qualified and competent personnel. Assignment and transfer of classified employees will be in accordance with the current collective bargaining agreement language.

The Board of Education believes the best educational program results from the selection of a school staff which is well-balanced in terms of employee experience, general background, and competencies. Careful consideration will be given to each of these when filling staff vacancies.
Maintenance of classified staff appropriate to operate effectively the educational program of the District is a Board responsibility. The purpose of this policy is to establish the manner in which the necessary reductions of that staff will be accomplished.

Reductions in Force will be just cause for dismissal. The Board will follow the procedures as agreed to in the current collective bargaining agreement.
500 CLASSIFIED EMPLOYEES
512 Evaluation of Support Staff Employees

There shall be a plan for annual evaluation of all support staff employees of the district.

GOALS
The primary goals of the support staff evaluation systems are to recognize and reinforce excellence in services and to help staff strengthen and improve its level of effectiveness and efficiency. The process should facilitate mutual understanding between the employee and evaluator. Evaluation will be a continuous, constructive, and cooperative process.

OBJECTIVES
Pursuant to the goals, the short-range objectives are the following:

1. To foster communication between the employee and evaluator concerning the employee's performance on specific aspects of his/her work.
2. To recognize successful performance; and when appropriate, establish objectives for the employee's improvement.
3. To recommend employees for continued employment, non-renewal of contract, or dismissal.
4. To provide feedback which can be used:
   A. To identify specific needs of employees.
   B. To appraise the effectiveness of recruiting, selection, and placement. Performance of staff members will be evaluated in the following order.

   CHIEF CUSTODIAN: Deadline October 15, annually. Conducted by principal.
   CUSTODIAN*: Deadline October 30, annually. Conducted by principal and chief custodian.
   SECRETARIES: Deadline October 30, annually. Conducted by immediate supervising administrator.
   AIDES**: Deadline April 30, annually. Conducted by principal.
   FOOD SERVICE***: Deadline April 30, annually. Conducted by cafeteria manager and Supervisor of School Food Services

*When targets are necessary and a part of the evaluation, it is recommended that the Supervisor of Buildings and Grounds be actively involved in the evaluation process.

**When targets are necessary and a part of the evaluation, it is recommended that the Supervisor of Special Programs be actively involved in the evaluation process. Teachers' comments may be included in the principal's evaluation.

***When targets are necessary and a part of the evaluation, it is recommended that the Supervisor of School Food Services be actively involved in the evaluation process.

Adopted: July 16, 1987
Revisions:
The misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the entire school community.

Offenses related to drug and alcohol are very serious both for the individual involved and for the welfare of others in the District. Therefore, the following rules and regulations apply:

1. Staff are not permitted to consume or be in possession of alcohol/drugs while on school property or at school-related functions. This includes field trips, school sponsored trips, student conferences and other such activities away from the school where students are involved; and this includes special functions for chaperones, coaches, etc.;

2. Staff found possessing or consuming alcohol/drugs on school property or at school related functions will be recommended for suspension or dismissal contradicted by the relevant collective bargaining agreement; and,

3. Furthermore, staff must not be under the influence of alcohol or drugs at school or attending school related functions; and,

4. Should a staff member be suspected of violating this provision, disciplinary action as mentioned in No. 2 above will be initiated following the procedures identified in and to the extent afforded by the relevant collective bargaining agreement. (This does not include public events open to adults where staff have no designated responsibility.)

Adopted: August 21, 1986
Revisions: June 1, 1987; April 26, 1990
Sexual harassment is a form of employee misconduct which is not tolerated within the offices, schools, buildings, or upon the grounds of the Cape Henlopen School District or at any school-sponsored activity, whether held within or outside the Cape Henlopen School District. Sexual harassment includes unwelcome verbal or physical sexual advances or conduct of a sexual nature, sexually explicit or derogatory statements, or sexually discriminatory remarks made by someone in the workplace. If you believe you are the subject of sexual harassment or are aware of an instance of sexual harassment, you should report the circumstances immediately to the Cape Henlopen School District Title IX coordinator (supervisor of personnel), the superintendent of the Cape Henlopen School District, or to the president of the Board if the complaint involves the superintendent. No one will in any way use threats, coercion, or intimidation to deter an employee from reporting sexual harassment.

Upon notification to the superintendent or the Board president, an investigation of the complaint will be conducted immediately. Confidentiality of the complainant and/or witnesses to the alleged sexual harassment will be maintained to the fullest extent possible. If the circumstances warrant such action, the complainant and/or the alleged harasser may be placed on administrative leave pending completion of the investigation.

An employee found to have committed sexual harassment will be subject to disciplinary action. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension and/or termination of employment. Other remedial action may be taken, as appropriate. Employees who witness sexual harassment (which is not otherwise reported) and do not report the harassment as indicated above may also be subject to disciplinary action.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee bulletin boards in the district.

Adopted: May 27, 1993
Revisions: August 26, 1993
The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district’s efforts to foster such a learning environment and in accordance with state and federal law, the following policy on sexual harassment has been adopted:

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the Civil Rights Act of 1964, which protects persons in the work place, and Title IX of the Educational Amendments of 1972, which protects persons from sex discrimination at school.

Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one’s clothing, body, or sexual activity based on gender; verbal harassment or abuse; subtle pressure for sexual activity; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by implied threats relating to job or school performance and evaluation; and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and that persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- written contact: suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- visual contact: sexually suggestive looks or gestures; displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
- verbal contact: sexually suggestive gestures or obscene comments including, but not limited to, those about a person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way; verbal advances or sexually explicit statements which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- physical contact: uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over him/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- retaliation: any action taken or threatened against another person for complaining about any of the behaviors described above.

If you believe you are the subject of sexual harassment or if you become aware of an instance of sexual harassment, you should report the circumstances immediately to a teacher or the principal or assistant principal of your school, to the superintendent of the school district, to a parent or guardian, or to any employee of the school district who is in a position of authority.
Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to district staff must be reported by such staff to the Case Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of sexual harassment concerning a school district employee, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible. A school district employee who is found to have committed sexual harassment toward a student will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of existing collective bargaining agreements and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension or termination of employment, or other disciplinary alternatives.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.
500 CLASSIFIED EMPLOYEES
518 Harassment or Misconduct Toward Students by District Employees

BASED UPON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, OR SIMILAR CHARACTERISTIC

The Cape Henlopen School Board believes that all persons are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's efforts to foster such a learning environment and in accordance with state and federal law, the following policy on harassment has been adopted:

Harassment or misconduct that is based upon a person's race, national origin, disability, religion, sexual orientation, or similar characteristic by a district employee directed against or toward another person that occurs on the school district's premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

1. Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic.

2. Oral or written words communicated by any employee to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic.

3. Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.

4. The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in Nos. 1 & 3 above.

If you believe you or another person are the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the principal or assistant principal at your school, to a parent or guardian, or to any employee of the school district who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion or intimidation to prevent a person from reporting harassment. All complaints made to district staff must be reported by such staff to the Cape Henlopen School District Title IX coordinator (supervisor of personnel) at the administrative office.

Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to prohibited conduct will be maintained to the fullest extent possible.
A school district employee who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of existing collective bargaining agreements and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of a reprimand or warning, placement on probation, suspension or termination of employment, or other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

This policy is consistent with the school district’s Multicultural Policy.

This policy shall be posted on all employee and student bulletin boards within the school district and shall be distributed to or made available to all employees and students within the district.
The Cape Henlopen School Board believes that all persons (staff and students) are entitled to a safe school environment where individual rights are respected and protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. Students and staff may expect that no one will be allowed to refer to them through action or remark in a demeaning, degrading, or derogatory manner either within the school or at school activities.

The Cape Henlopen School Board specifically prohibits any kind of hazing. "Hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into, or affiliation with, or as a condition for continued membership in any organization. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, forced calisthenics, exposure to the elements, forced consumption of any food or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as forced exclusion from social contact, coerced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Staff members witnessing any activity that could be interpreted as hazing (or other activity detrimental to students) must immediately report the activity and the participants to an administrator.
500 CLASSIFIED EMPLOYEES
526 Complaint Policy

The policy of the Board is to establish reasonable and effective means of resolving difficulties which may
arise among employees, reduce potential areas of complaints and to establish and maintain recognized
two-way channels of communication between supervisory personnel and professional employees not
otherwise covered by the terms of a collective bargaining agreement.

The intent of this policy is that complaints be resolved at the lowest level and in the most informal manner
possible. All school personnel who wish to register a complaint must first express such complaint to the
immediate supervisor, principal, or administrator in an effort to resolve the problem informally. Informal
appeals may proceed through the chain of command to the Superintendent. A complaint, to be
considered under this procedure, must be initiated within ten days from the time when the employee knew
or should have known of its occurrence.

If the employee is not satisfied with the disposition of the problem through informal procedures; s/he
must submit the complaint in writing to the immediate supervisor, principal or administrator. The
complaint will specify:

1. nature of complaint;
2. specific problem or part of the problem still unresolved; and,
3. remedy sought.

The immediate supervisor, principal or administrator will respond in writing within five days of receiving
the written complaint.

If the employee is not satisfied with the written disposition of the problem, s/he may appeal the decision to
the Superintendent through the immediate supervisor, principal or administrator. The appeal must be
submitted within five days after the employee received the written disposition and state the following:

1. nature of the complaint;
2. supervisor's response;
3. specific problems or part of the problem still unresolved; and,
4. remedy sought.

The Superintendent or a designee will attempt to resolve the complaint as expeditiously as practical.

An employee may appeal a written decision made by the Superintendent or designee within ten days to
the Board of Education through the Superintendent. The appeal will state:

1. nature of the complaint;
2. superintendent or designee's response;
3. specific problem or part of the problem still unresolved; and,
4. remedy sought.

Any appeal submitted to the Superintendent will be presented to the Board by the next regular meeting. Within thirty days, the Board will then either render a decision, request additional information, or establish a date for a hearing. The complainant will be notified in writing of the disposition of the matter.

All information presented at any appeal level must have been presented first at the lowest level unless the information is requested by the person or persons rendering the decision.
The Board of Education of the Cape Henlopen School District adopts the following rules of procedure, which shall govern all hearings before the Board of Education held under the complaint policy.

I. NOTICE OF HEARING

A hearing may be granted upon receipt of a written request signed by an aggrieved persons) stating that a hearing is desired and documentation that due process has been followed as per the complaint policy. In such cases, the Board will notify all parties involved as to the time and place of the hearing.

The communication or letter containing the notice of the date, time, and place of the hearing shall specifically advise the complainant of the following rights:

A. The right to be present at the hearing and to be represented by counsel or by a representative (advocate).

B. The right to hear testimony.

C. The right to give testimony.

D. The right to question, either personally or through counsel/representative, any person giving testimony. When legal counsel/representative is used by the complainant, notice should be given to the Board.

E. The right to an open or closed hearing.

II. ORDER OF PROCEDURE

A. PRELIMINARY MATTERS

1. The president of the Board of Education or his/her designee shall act as presiding officer and will announce that the hearing is being conducted under the provisions of the Board rules governing the conduct of hearings.

2. The presiding officer will declare the hearing to be open and will inquire as to whether the secretary of the Board of Education has met the requirements for giving notice of the hearing as specified in Section I above. The secretary shall provide affirmation that the requirements have been met.

B. PRESENTATION OF EVIDENCE

1. Each side will be permitted to present an opening statement as to the nature of the complaint, the policy or rule violated. This statement is to be a brief overview of the issue before the Board, including the remedy sought. The remedy sought shall be confined to those areas in which the Board has clear authority to act under the Board policies. Opening statements will begin with the complainant, followed by the district representative.
2. The complainant may present evidence and offer testimony concerning the manner in which the complainant feels the official policy of the Board of Education has been misinterpreted or misapplied, or specify the manner in which the complainant's rights have been violated. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administrative staff designated by the secretary to administer the oath.

3. Opportunity will be given at the conclusion of the testimony of each witness, for the district's representatives, the district's attorney, the Board of Education, and the duly designated presiding officer, to ask questions of the witness.

4. The district's representative or attorney may then present evidence or offer testimony which is relevant to the matter being complained. All testimony will be given under oath with the oath to be administered by the secretary of the Board of Education or by a member of the administrative staff designated by the secretary to administer the oath.

5. Opportunity will be given at the conclusion of testimony of each witness for cross examination by the complainant, his/her attorney/representative, or the members of the Board of Education.

6. Closing statements may be offered first by the complainant, then by the district prior to losing the hearing.

III. GENERAL HEARING PROCEDURES

A. All evidence is admissible which is relevant, material, reliable, and probative, but which is not unduly repetitious or cumulative.

B. Objections to the admission of evidence shall be brief and shall state the ground for such objections.

C. Strict judicial rules of evidence shall not be applicable to hearings conducted under these rules, and in each case the question of admissibility shall be whether the offered evidence is reasonably relevant to the material issue and whether it has substantial probative value with respect to such material issues. The presiding officer may limit or disallow cumulative or repetitious evidence and may curtail redundant questioning.

D. All testimony shall be given under oath with the following form of oath being used: "Do you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge?"

E. All parties in the proceeding may be represented by counsel or representative.

F. The Board may continue, adjourn, or postpone a hearing for good cause upon application of or on behalf of the complainant or on its own application.
500 CLASSIFIED EMPLOYEES
526.1 Rules of Procedure for Conducting Complaint Hearings

G. The Board shall cause an electronic transcript of the hearing to be made by tape recorder or other suitable means of recording. If the complainant shall request a typed transcript of the hearing, he or she shall be responsible for the cost of preparing such transcript.

H. Any person who testifies as a witness shall be subject to the cross examination by other parties in the order set forth in Section II.B. above, unless otherwise determined by the Board president or his/her designated presiding representative. Any witness is subject to examination by any member of the Board.

I. Any documents introduced into evidence shall be accepted and marked by the secretary of the Board and shall be made a part of the record of the hearing. Documents introduced by the complainant shall be marked as "Complainant Exhibit," and all documents introduced by the district shall be marked as "District Exhibit," with the exhibits for each side being consecutive numerical designations. The secretary shall prepare minutes, listing the names of all persons present, their attorneys, the witnesses testifying for each side, all exhibits introduced during the course of the hearing, and a brief summary of the proceedings.

J. The Board may take administrative notice of its own acts, records, and policies.

IV. POST-HEARING PROCEDURES

A. Each decision and order of the Board shall be delivered in writing with copies provided to all parties. Each decision and order shall set forth the findings of fact made by the Board and the conclusions based thereon and shall state the specific disposition of the complaint. The Board shall submit its written decision within ten (10) calendar days following the conclusion of the hearing.

B. Copies of the Board decision shall be mailed to the complainant, his or her attorney, and by certified mail, return receipt requested.

C. A complainant who is not satisfied with the decision of the Board may appeal the decision within thirty (30) days to the State Board of Education. This right of appeal is not valid for staff members who are complaining on issues of employment not grievable under the terms of the contract.
Employees of the Board of Education will be paid the state salary according to the current state salary schedule. Local supplements will reflect the current collective bargaining agreement.
The periods of work required of the classified staff shall be clearly specified in accordance with Delaware Code Title 14 Chapter 13 § 1335.
Each professional and support staff member serves as a vital link to an improved education for students. That link is broken when a single staff member is absent from school. As a result, the ability to provide a thorough and efficient education is weakened. The board recognizes that a reasonable amount of absence due to bona fide sickness or emergency situations is often beyond the control of staff. On the other hand, it believes that the school district is entitled to a reasonable degree of regularity in the attendance of its staff in order to help realize the purposes and mission of the school district.

RECORDS OF ABSENCES

PROOF: The board shall keep an accurate record of the absences from duty and reasons therefore of all employees, for whatsoever reason, and may require a statement from the employee when absent because of illness to the effect that he or she was unable to perform his or her duties during the period of absence. A physician's certificate may be required of personnel.

DEDUCTION FOR UNEXCUSED ABSENCE

For each day's absence, for reasons other than those permitted by state law, there shall be deducted the appropriate per diem rate for each day of unexcused absence.

ATTENDANCE PROGRAM

The Superintendent of Schools shall be responsible for establishment of an attendance improvement program that is consistent with proper motivation techniques, correct supervisory practices, and policies in line with the policies of the Board of Education and abides by the rules and regulations of the State Board of Education.

1. The primary purpose of this attendance program is to maximize staff attendance to foster a thorough and efficient education for students. In keeping with this purpose, the attendance program shall be executed in such a way as to:

   A. Exemplify attendance practices for students to emulate.

   B. Increase teacher-student contact time.

   C. Decrease the amount of interruption in the instructional process.

   D. Protect staff from economic loss encountered in necessary absences.

To encourage exemplary attendance, the Cape Henlopen School District will:

   A. At the close of each year, send letters of appreciation and congratulations to all employees with exemplary attendance (two days or less of absence) the previous year. Copies of the letters will become apart of the personnel file.

   B. At the end of the year, honor at a reception all persons who have exemplary attendance (two days or less of absence). Newspaper articles will provide public recognition.
500 CLASSIFIED EMPLOYEES
533 Attendance Program

C. Present a $50 gift card to all staff members who have been absent no more than one day during the school year; a $25 gift card to all staff members who have been absent no more than two days nor less than one and one-half days. Absence from employment for any reason, other than mandated military duty, jury duty or funeral/bereavement will result in days counted against a bond even though the absence was an approved leave. The annual 15 days' military leave for attendance at training camp or to perform special duty does not apply.

D. Reward retirees who have accumulated more than 90 days of sick leave by paying a maximum of $25 or one-half of daily salary, whichever is less, for each day over 90 to a maximum of 150 days.

A person transferring into the district with an accumulated 90 days (or more) will be credited with only 90 days for the purpose of this incentive. The employee must earn at least an additional 30 days in the district and be employed in the district for at least five years to be eligible for this benefit.
There shall be a sick leave policy for classified employees that ensures that such employees will receive no less than the minimum sick leave provided under law. Such policy shall be in accordance with the following guidelines.

Sick leave for all employees shall accumulate in accordance with Delaware Code Title 14 §1318. Any changes to Delaware Code subsequent to the revision date of this policy will supersede the policy below.

SICK LEAVE AND ABSENCE FOR OTHER REASONS

Classified employees shall be allowed ten 10 days sick leave per year with full pay; those support staff and other school employees employed eleven (11) months a year shall be allowed 11 days of sick leave per year with full pay; and those support staff and other school employees employed twelve (12) months a year shall be allowed 12 days of sick leave per year with full pay.

A retiring employee will receive payment, upon retirement, in an amount equal to state salary for one half of the number of "unused" sick leave days. The maximum payment shall not exceed the individual's state salary for 45 days. The employee will receive payment for additional accumulated sick days as provided for in the district attendance policy.

RECORDS OF ABSENCES

PROOF: The board shall keep an accurate record of the absences from duty and reasons therefore of all employees for whatsoever reason, and may require a statement from the employee when absent because of illness to the effect that she/he was unable to perform his/her duties during the period of absence. A physician's certificate may be required of personnel.
This policy shall provide for administrative employee's absence for personal necessity when not otherwise covered by sick leave or disability policies.

EXCUSED ABSENCES SHALL BE FOR THE FOLLOWING REASONS:

1. In case of a death in the immediate family of the employee, there shall be no reduction of salary of said employee for an absence not to exceed five (5) working days. Members of the immediate family shall be defined as the employee's spouse or domestic partner; parent, stepparent or child of the employee, employee's grandparent, or grandchild; employee's sibling; spouse of employee's child or any relative who resides in the same household; or any minor child for whom the employee has assumed and carried out parental responsibilities. This absence shall be in addition to other leaves granted the employee.

2. In the case of a serious illness of a member of the employee's immediate family, as defined in section (1) of this section that requires the employee's personal attention, an employee may use accrued sick leave. An employee needing sick leave under the provisions of this title shall inform that employee's own immediate supervisor of the fact and reason in advance, when possible, or otherwise before the expiration of the first hour of absence or as soon thereafter as practicable; failure to do so may be cause for denial of pay for the period of absence. Before approving pay for sick leave, the supervisor may at that supervisor's discretion require either a doctor's certificate or a written statement signed by the employee setting forth the reason for the absence. In the case of an absence of more than 5 consecutive days, a doctor's certificate is required as a condition of approval.

3. In case of the death of a near relative, there shall be no deduction in salary of the employee for absence on the day of the funeral. A near relative shall be defined as first cousin, aunt, uncle, niece, nephew, brother-in-law or sister-in-law, grandparent-in-law, or any other friend living in the employee’s household.

4. In the case of the observance of recognized religious holidays, an employee may be absent without loss of pay on no more than three (3) calendar days per year. The days so lost are to be counted against the sick leave of the employee.

5. Employees are permitted to be absent up to three (3) working days per year without loss of pay for personal reasons. Such absence shall be counted against accumulated sick leave benefits of the employee and must be approved by the superintendent. Personal leave days will not be granted when the administrator is responsible for administering semester exams, or if 15% of the staff within a category in the building (teacher, custodian, etc.) have already requested to be absent.

6. Any absence other than provided by State law or Board policy shall be considered unexcused and subject to payroll deduction.

7. Letters of reprimand will be sent to employees taking unexcused leave without pay. An unexcused absence will be considered an act of insubordination and shall be reported to the Board of Education to determine if further action is necessary.

Adopted: June 26, 1986
Revisions: December 10, 2009
Classified employees shall be provided vacations in accordance with the following guidelines.

The Board has the authority and responsibility to establish reasonable guidelines that specify the conditions under which vacation may be taken.

Twelve-month classified employees of the Cape Henlopen School District shall earn vacation credit according to the following schedule:

<table>
<thead>
<tr>
<th>YEARS OF EXPERIENCE IN DISTRICT</th>
<th>DAYS PER MONTH</th>
<th>TWELVE MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4</td>
<td>1-1/4</td>
<td>15</td>
</tr>
<tr>
<td>5 - 9</td>
<td>1-1/2</td>
<td>18</td>
</tr>
<tr>
<td>10 &amp; over</td>
<td>1-2/3</td>
<td>20</td>
</tr>
</tbody>
</table>

Twelve month employees will receive one additional vacation day each year for each five years of employment in the district.

The following holidays will be provided and will not count against an employee's vacation time:

- Fourth of July
- Labor Day
- Election Day (every two years)
- Veterans’ Day
- Wednesday before Thanksgiving
- Thanksgiving Day
- Friday following Thanksgiving Day
- Winter Vacation
- Martin Luther King Day
- Presidents’ Day
- Friday before Spring Vacation
- Memorial Day

Custodial/maintenance personnel and secretaries/clerks may schedule earned vacation time with approval and at the discretion of their immediate supervisors. Professional staff members employed for more than ten months per year may schedule vacation time with approval and at the discretion of the Superintendent or the Assistant Superintendent.

School office secretaries and custodians are encouraged to schedule their vacation days at a time other than those days when schools are in session. Requests for vacation time while school is in regular session may be approved subject to the following:

1. The approval must be granted by the building principal and the Superintendent or assistant Superintendent prior to the first day requested.
2. During the regular school year, a maximum of ten (10) consecutive working days may be taken at one time.
3. The maximum number of days which can be taken during the regular school year is fifteen (15), unless an exception is granted by the immediate supervisor. Employees are encouraged to take days when school is not in session.
Only vacation time that has been earned may be taken without penalty. Vacation time will not be approved against future vacation credit.

Persons entering upon duties on or before the 15th of a month will receive full vacation credit for that month. Persons entering upon duties after the 15th of a month will receive no credit for that month. Resignations effective on or before the 15th of a month will receive no credit for that month. Resignations effective after the 15th of a month will receive full credit.

In the case of resignations and retirements, vacation credit may be used before the effective date; or an employee may elect to receive a lump sum payment for unused vacation time at time of retirement.

By Delaware Law the maximum number of earned vacation days that may be carried over from one fiscal year to the next fiscal year (June 30 to July 1) is forty-two (42) days. Earned carryover time will automatically be carried over for employees with earned vacation time from one fiscal year to the next - up to 42 days. Earned vacation time in excess of 42 days credited to individuals as of June 30 of any year will be deleted at that time.

Compensatory time is not considered to be vacation time and is not normally cumulative. General compensatory time is limited to custodial/maintenance personnel who may need to work in excess of a normal forty-hour work week due to normal responsibilities incurred in the regular job responsibilities; or work in excess of a normal forty-hour week due to emergencies that may be incurred due to the malfunction of school plant equipment or similar situations. When feasible, compensatory time should be used within a week following the crediting of such time to an individual.
In every district school and central office, an attendance designee shall be identified annually, and the name of the designee shall be reported to the business office leave secretary.

Any employee absence, approved or unapproved leave, shall be reported to the attendance designee who shall record all absences on a monthly attendance sheet and compile all “Absence Pre-Approval/Record of Absence” forms, signed and approved by supervisors.

The attendance designee shall provide the district business office leave secretary all information related to employee leave on a monthly basis.

In the district office, the central receptionist shall serve as the attendance designee, recording all absences, compiling paperwork, and providing all information to the business office leave secretary.
The Board expects all employees to honor their contracts and only under unusual extenuating circumstances with prior approval of the executive secretary would employees be permitted to have days off without pay. Extenuating circumstances will be recognized only once every three (3) years.

Personnel may apply to the Board of Education for an extended leave of absence without pay. Such leaves are not normally granted for the purpose of engaging in gainful employment.

Any absence other than provided by state law or board policy shall be considered unexcused and subject to payroll deduction.

Letters of reprimand will be sent to employees taking unexcused leaves without pay. An unexcused absence will be considered an act of insubordination and shall be reported to the Board of Education to determine if further action is necessary.
The district recognizes that there will be times when an employee may be granted permission to perform supervisory duties for programs within our district and for reasons not anticipated nor covered by present Delaware law. However, in granting permission to perform such duties in place of the employee’s regular assignment, it is the district's goal to minimize interruption of the educational process. Such permission shall only be granted to permanent full-time and permanent part-time employees who have completed six months or more of continuous service to the district. This permission protects the employee’s continuity of service, seniority, salary, and all benefits during the time the specified duty is being performed. Furthermore, the duty request shall originate from within our own district sites.

Examples of such duties could be, but are not limited to: band trips, Odyssey of the Mind competitions, science fairs/symposiums, technology competitions, other academic competitions, or athletic tournaments that occur during the school day. This may also include an employee attending an IEP meeting for his/her own child when the child is receiving services within our district schools or the district is paying tuition for services to outside agencies.

Requests must be submitted by letter to the superintendent, or designee, for approval and is to include appropriate documentation of the event. Generally, a one month notice is required, and no employee will be granted more than one opportunity during a school year.
Support staff may be granted sabbatical leave without pay, for a continuous period of time not to exceed one year, to pursue advanced training or education leading to a certificate, associate or baccalaureate degree, or advanced degree. To be considered for sabbatical leave, the support staff person must be a full-time employee of the Cape Henlopen School District and have received satisfactory or better performance evaluations for the last three (3) consecutive years. Requests for sabbatical leave shall be presented in writing to the School Board no less than forty-five (45) days prior to the start of the leave period. At the end of the leave period the employee must present evidence of progress toward his/her educational objective.

Adopted: June 26, 1986
Revisions:00 00 00October 9, 2014
The retirement of all support personnel will be in accordance with the provisions of Delaware Code and related Board policy.

www.delawarepensions.com
500 CLASSIFIED EMPLOYEES
550 Vandalism Reimbursement

In case of damage or vandalism to a professional or classified employee’s clothing, motor vehicle, or other personal possession and when that possession is on school property to assist the employee in carrying out his/her assigned responsibilities, the Cape Henlopen School District shall reimburse the employee that portion of the costs not covered by insurance, including homeowner’s policies or restitution payments.

The following conditions apply.

5. Comparable school-owned equipment not available,
6. The personal possession was on school property no longer than was needed to carry out the employee’s assignment.
7. The employee was not negligent in protecting his/her property, and
8. The person(s) causing the damage was observed in the act, or was convicted in court, or the damage obviously was done on school property.

The reimbursable limit shall be no more than $500 per incident.

Proof of ownership and burden of proof that an item was stolen, damaged, or vandalized rests solely with the employee.

Adopted: July 26, 2007
Revisions:
600 FINANCES

603    Budget Preparation
605    Tax Levy
608    Bank Accounts
609    External Bank Accounts
610    Purchasing
612    Purchases Not Budgeted
613    District Travel Policy
614    Payroll Authorization
615    Payroll Deductions
618    Special Purpose Funds
619    District Audit – Public
The Board considers the preparation of an annual budget to be one of its most important responsibilities because the budget is the financial reflection of the educational plan for the District. The budget shall be designed to carry out that plan in a cost effective and efficient manner; and, to maintain the facilities and honor the obligations of the district.

The Superintendent shall be responsible for the preparation of an annual revenue and expenditure budget to be submitted to the Board of Education for review and approval. The preliminary annual budget shall be approved by the Board of Education prior to September 1st of each fiscal year. Subsequent to the Department of Education certifying the district’s September 30th unit count for that year, but no later than January 31st of that fiscal year, the Board of Education shall approve a revised revenue and expenditure budget. This revised budget shall serve as the final budget for that fiscal year unless unforeseen circumstances require an additional budget revision.

The annual revenue and expenditure budget shall be inclusive of all funds (federal, state and local). Funds shall be further subdivided to differentiate between restricted funding sources that can only be used for specifically defined purposes and those funding sources that may be used at the discretion of the Board of Education.

Each approved annual budget shall reflect a balanced budget meaning that budgeted revenues equal budgeted expenditures. If the budget is balanced through the use of prior year or carryover funding, such use of funds shall be clearly identified and explained.

Monthly revenue and expenditure reports shall be prepared and submitted to the Board of Education for review and approval. All financial reports shall be a part of each month’s official Board of Education minutes and shall be provided to any member of the public upon request.

All district audit reports shall be shared and reviewed with the Board of Education and shall be made available to any member of the public upon request.

The district shall not expend more than ninety-eight percent (98% or 2% cash reserve) of available local fund revenue for current expenses, without the approval of the Board.

In an effort to promote fiscal transparency and community involvement, the Cape Henlopen School District shall establish a Citizen Budget Oversight Committee. This committee shall be developed and operated in accordance with all relevant provisions of the Delaware Code as well as all relevant Department of Education regulations.

The committee shall be composed of the following members:

- Board Member Representative
- District Chief Financial Officer
- Building Principal Representative
- Cape Henlopen Education Association Representative (CHEA)
- A minimum of Five (5) and not to exceed Nine (9) citizens of the Cape Henlopen School District
- A maximum of two (2) alternate citizens of the Cape Henlopen School District (if desired to have a diversified background amongst the citizen volunteers, based on committee recommendation)
The citizen volunteers shall be selected in accordance with the following process:

- A public notice to seek volunteers shall be provided in the newspaper for two consecutive weeks.

- A public notice to seek volunteers shall be posted on the district website and on all district building main entrance doors for at least fifteen (15) working days.

- Those requesting to serve as volunteers on the committee shall be required to submit a brief application which shall at a minimum include the following: 1) Reason for wanting to serve on the committee; 2) Relevant experience, knowledge and/or training that would qualify the volunteer for the committee; 3) References to attest to the volunteer's qualifications to serve on the committee.

- The Board shall identify a District Selection Committee with at least two educators from the district, one local school board member, the district's business manager or superintendent, one member of the local teacher's union, and at least two parents or community members who are not district employees or local school board members; and

The Selection Committee shall review the submitted applications and score them based upon the three criteria listed previously. The purpose of the committee is to insure that a broad cross section of stakeholders have input into major budgetary issues faced by the district. The committee also insures that the district's finances are transparent to the public. The committee is advisory in nature and as such has no formal authority to take action. All recommendations will be provided to the Board of Education for the Board’s consideration via the Board representative.

Committee recommendations must be approved by a majority vote of the full committee membership in order to be forwarded to the Board for consideration. The committee chairperson shall be selected with a majority vote of the full committee membership. Member terms are for a period of three (3) years, unless a member elects to terminate his or her position upon written notice to the Board. Members may only serve for 2 consecutive terms at a time. The Board may reappoint/extend the term of existing volunteer members based on the Superintendent's recommendation.

Meetings shall be held, at a minimum, on a quarterly basis. Citizen committee members shall be responsible for successfully completing any required training provided by the Department of Education.

Adopted: June 26, 1986
Revisions: April 22, 2010; November 18, 2010; March 14, 2013; October 8, 2015; January 14, 2016
The Board of Education will annually review and approve the real estate and per capita tax rates, no later than the second Thursday in July, for the upcoming fiscal year.

TAX EXEMPTIONS

SENIOR CITIZENS AND HANDICAPPED: Any individual exempted by the state of Delaware and/or the Sussex County Government from paying a part or all of any real estate and capitation taxes as governed by state and/or county rules and regulations, must make application and be approved by the governing agency. The state and county are responsible for the administration and collection of taxes. As such, the District is not authorized to grant any waivers for payment of taxes, outside of rules established by the state and/or county.
600 FINANCES
608 Bank Accounts

ACCOUNTING

All funds under the control of the school board shall be handled as prescribed by laws, regulations and efficient procedure.

The Superintendent shall oversee the administration of all school accounts and shall present financial reports regularly to the school board.

1. RECORDS: The Superintendent shall have maintained a complete up-to-date record of all orders placed, expenditures and receipts, and shall make detailed monthly reports to the school board.

   A. RECEIPTS CONTROL: Whenever school personnel exchange funds that are under the control of the local school district, such exchanges must be documented through the use of a duplicate receipt book, receipted bills and/or canceled checks.

INTERNAL FUNDS

(Student Class and Club Accounts) Student accounts shall be maintained in a safe depository. Ledgers for all funds shall be maintained, all transactions shall be properly documented, disbursements shall have dual signatures and all such funds are subject to audit by the State Auditor.

Approval to open or close an Internal Fund Student Bank Account shall be made by the school through the Superintendent or his designee to the State Treasurer. When feasible, the funds shall be deposited in an interest-bearing account. All interest earned will be used for the benefit of students in student-related activities. A separate accounting shall be maintained of those monies deposited by each club or class of the school. Withdrawals may be made upon presentation of an approved "Payment Voucher" signed by the faculty advisor and the class or club treasurer and/or president.

Interest earned by the bank account may be accounted for separately in which case withdrawals of interest must be approved by the Principal and representative of the Student Council.

Adopted: June 26, 1986
Revisions: June 1, 1987
This policy recognizes that various organizations exist which provide financial support for school programs and activities such as PTAs and booster clubs. These organizations often maintain bank accounts for the deposit of monies raised through the collection of dues or various fundraising projects. The purpose of this policy is to clearly define the circumstances under which a School District employee is allowed to sign a check or other negotiable instrument related to such funds.

Each check or negotiable instrument issued on an external bank account maintained by an organization which provides direct or indirect financial support for school programs and activities should require a minimum of two signatures. Under no circumstances, however, is a school employee to be the sole signer of a check or negotiable instrument related to such funds. An employee of the district may be a cosigner if the other signature is a live signature by someone other than an employee of the district.

For the purpose of this policy, employee includes 19-B personnel, volunteers and other positions approved by the Board.
It is the policy of the Board of Education to obtain competitive bids for products and services where such bids are required by law or where such bids may be believed to bring about a cost saving to the school district. The Superintendent (or designee(s)) will have the authority to expend and/or authorize the expenditure of available funds for items consistent with the mission of the District; and, within the annual budget authorized by the school board.

Purchases of supplies, equipment or materials will be made in accordance with the laws of the state of Delaware and the Cape Henlopen School District Accounting Manual. All purchases not subject to state bidding requirements should be in accordance with the goals and objectives of the District. The secretary of the Board, the assistant superintendent, and/or authorized designee(s) will be the Board's designated representative(s) for the purpose of Chapter 69, Title 29, Delaware Code, relating to the procurement of material and award of contracts.
The laws of the State and the interests of the community require fiscal responsibility by the Board in the operation of the school district. Appropriate fiscal controls are hereby adopted to insure that public funds are not disbursed in amounts in excess of the appropriations provided this district.

EMERGENCY EXPENDITURES

The superintendent may make emergency expenditures when, in his/her opinion, these expenditures are necessary to the continued operation of the schools. In each case, the superintendent shall report his/her actions to the school board.
A. INTRODUCTION

1. PURPOSE
   The purpose of this policy is to provide guidelines which will be used to reimburse employees and officials for authorized travel expenses incurred in the conduct of Cape Henlopen School District business. In addition to the guidelines, specific procedures with regard to incurring and reporting travel expenses are provided. This policy does not cover every possible situation but it establishes adequate parameters for employees and officials to make appropriate judgments about the expenditure of district funds. It remains the responsibility of organization management to control and approve travel-related expenditures.

2. SCOPE
   This policy shall apply to employees of the Cape Henlopen School District, board members, parents and others.

3. TRAVEL AUTHORIZATION
   All travel that extends beyond one day shall be approved by the Superintendent or designated approval authority. A web-based Professional Development Application form (Exhibit A) is the first approval step for authorized funding. Once approved, requests shall be made on the "Absence Pre-Approval /Professional Growth In-service Approval" form (see Exhibit B). A copy of the conference or meeting program shall be attached to the form. The authorization form should be submitted to the district approval authority via the AESOP leave accounting system prior to the traveling day in compliance with organizational requirements. The AESOP entry for "Professional Development" must provide sufficient detail for approval by the appropriate district administrator.

Requirements are that submittal of completed forms should be forwarded to the District Office, approved/signed by the principal/supervisor and funding source manager, business manager, or the superintendent. Registration requests are to be submitted by the employee at least 20 working days before the due date of the registration payment, inclusive of administrative availability (meetings, vacations, etc.) which may delay approvals. Late fees resulting from noncompliance of registration requests submitted within 20 working days before the due date will be paid by the employee and will be non-reimbursable.

If Early Bird discount registration is offered. Registration/reservations must be approved as stated above, before the Early Bird due date when possible.

4. METHOD OF PAYMENT
   The primary method of payment for registration, lodging, and transportation is the State of Delaware PCard. Purchase Orders should be done for registrations when applicable. The PCard is to be used for authorized personnel expenses only and may not be used to charge expenses for family members or others not on official state/district business even if the intention is to reimburse the state/district. Group rate discounts are often available in which case registrations should be done with a purchase order for attendees. If a registration is under $75 and a purchase order cannot be made, the employee is to pay the fee and submit a personal reimbursement. PCard usage is done only with the approval of the District Office.
5. SUMMARY

Expenses (see also Section D)

a. Daily travel expenses (ex. meals, mileages, tolls) are reimbursed by:

(1) Meals & Incidentals (incidentals are max. $10.00 fees and tips to porters, baggage carriers, bellhops, hotel maid, stewards or stewardesses and others). Receipts are required and must be itemized (i.e., breakfast, lunch, and dinner).

(2) Actual expense method (used for incidentals other than listed above, i.e. tolls, parking). Receipts are required.

b. Use PCard for common carriers (airlines, rail or bus), lodging and lodging tax.

c. Receipts are required for common carriers, car rental, lodging, lodging tax, tolls, parking and any additional individual allowed expense. This includes any charges that the PCard was the method of payment.

Final Reimbursement

Use “Personal Expense Reimbursement” form to claim any final adjustment/reimbursement.

B. TRANSPORTATION: COMMON CARRIER

1. GENERAL

All trips requiring the use of common carrier must have prior approval by the appropriate authority within the district. See also Section A3. The PCard will (when feasible) be used as method of payment for airplane, bus, or train reservations. The mode of travel must be the method most advantageous to the district. Organizations should consider total cost, the most economical use of time of the personnel involved and the requirements of the trip. The standard for common carrier travel is coach fare. Common carrier shall be booked at the lowest available fare consistent with reasonable business travel planning and may be booked from any source by the appointed district office personnel.

Travelers should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers. In order to take advantage of special discount rates (supersaver fares, etc.), payments for tickets by use of the PCard may be made prior to a trip being taken when savings will accrue to the District (i.e., supersaver discounts). Most airlines will not give refunds or partial refunds for supersaver airfares.

Staff is encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

All common carrier transportation expenses require receipts.
2. AIR TRAVEL
   a. Accommodations
      When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class is more economical.
   b. Routing of Travel
      (1) All travel shall be by the most economical and direct routes.
      (2) Flight reservations that can be made at least 6 weeks in advance of the trip departure will help take advantage of lower pricing.
      (3) If a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.
   c. Conference Airfare Arrangements
      Always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go directly to an airline or a specific travel agency to obtain the discount fare, all fare and file number information should be given to the individual making the reservations. The person making the reservation shall then attempt to obtain the conference rate, government rate or lower rate, for the traveler. If a lower fare is not available, the normal reservation procedure should be used.
   d. See also Section A4

3. RAIL TRAVEL
   a. Accommodations
      When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be used.
   b. Routing of Travel
      All travel shall be by the most economical and direct routes. If a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.
   c. See also Section A4

C. TRANSPORTATION: PASSENGER VEHICLES

1. STATE FLEET-OWNED VEHICLES
   State Fleet-owned vehicles should be used for out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking. When two or more people are traveling to the same event, all should travel in same vehicle when possible.
2. PRIVATELY-OWNED VEHICLES
   a. The use of privately owned vehicles or fleet services for out-of-state travel shall require prior
      approval of the appropriate organization authority. Reimbursement of private vehicle
      expenses shall be at the rate proscribed by the Delaware Code (Title 29, Chapter 71,
      subsection 7102) and only for actual and necessary miles traveled. In considering approval,
      the approval authority shall take into consideration the cost of alternative modes of travel and
      the cost of meals and lodging for the additional travel/transit days.
   b. When two or more employees travel in a privately owned vehicle, only one mileage
      reimbursement shall be allowed.

3. RENTAL CARS
   a. General
      The use of a rental car when traveling out-of-state must be justified as an economical need
      and not as a matter of personal convenience. All rentals should be at the most economical
      rate per day including government rates. When traveling in groups, sharing of vehicles, when
      practical, should be done to minimize costs. The employee must pay for the rental car and
      then submit a personal reimbursement, unless they are assigned a State of Delaware PCard.
      Note: (Person renting car must provide credit card and valid driver’s license.)
   b. Vehicle Size
      Whenever possible, compact cars shall be rented or reserved. However, if a larger size
      vehicle is more economical or more than two travelers are traveling together the larger
      vehicle may be appropriate.
   c. Insurance
      A credit card should be used to pay for rental cars. The use of a credit card provides collision
      and theft coverage from the card provider. To activate the coverage, complete the rental
      transaction with your credit card and decline the collision damage waiver (CDW) coverage
      offered by the rental company. Reimbursements for additional or optional insurance coverage
      will not be allowed.
   d. Refueling Before Return
      To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to
      the rental company. Any surcharges billed to the employee or district shall be explained on
      the reimbursement request and may not be approved.
   e. All rental car expenses must be pre-approved by the Director of Business Operations and
      always require receipts.

D. ACTUAL EXPENSES

1. GENERAL
   Daily expenses shall be reimbursed by actual expense method only.
2. LODGING

   a. General
      Reimbursement for lodging costs is authorized when approved official travel is out-of-state, more than 12 hours and overnight lodging is required.

   b. Accommodations (see also Section A4)

      (1) Lodging accommodations are priced for single occupancy rooms.

      (2) Accommodations shared with family members or others not on official district business are reimbursable at the single occupancy rate only.

      (3) Accommodations shared with other district travelers should be billed and reimbursed to one traveler. When required, reimbursements to more than one traveler shall be based on a pro rata share as reported on each reimbursement request.

      (4) No in-state hotel expenses are allowed, unless approved by the superintendent or his designee.

      (5) Conference Lodging Arrangements:
          When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee should inform the individual making the reservations. The person making the reservations shall then attempt to obtain the conference rate, government rate or lower rate, for the traveler. If a lower rate is not available, the normal reservation procedure should be used. Requests should be made in ample time as to secure the conference/lower rate as conference rates book quickly.

      (6) Receipts are required for lodging expense (PCard use requires lodging itemized receipts: no exceptions). It is the travelers' responsibility to obtain the receipts and provide the receipts to the district office. If hotel receipt is not provided, all other reimbursed expenses will be put on hold.

      (7) Occupancy Tax
          The State of Delaware is exempt from the tax on occupancy of hotel, motel and tourist home rooms within Delaware only. When in-state overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the hotel/motel/etc. Tax on occupancy of hotels in other states must be paid.

3. MEALS AND INCIDENTAL EXPENSES (M&IE)

   a. Reimbursement for M&IE is authorized when approved official travel is out-of-state, more than 6 hours or overnight lodging is required. Actual expense will be used as method of payment reimbursement for meals and incidental expenses as described below.
b. M&IE include:

   (1) Meals (food, beverage, tax and tips)
   (2) Incidental Expenses (fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others).
   (3) Meals and incidental expenses are reimbursed according to receipts submitted and must be itemized. Maximum - $50 per day with receipts for M&IE.
   (4) Receipts are to be attached to reimbursement form in date order.

c. Reduced M&IE

Please indicate on form if it is known in advance that a meal(s) are to be provided without cost to the employee, e.g. included in a conference fee, meals provided by hotel, a reduction to the daily meal rate may be made for the appropriate meal as shown below.

Out-of-State Travel Departure
Depart before 8 a.m. - Breakfast, lunch and dinner
Depart after 8 a.m. - Lunch and dinner
Depart after 3 p.m. - Dinner Only

Returning
Prior to 10 a.m. - Breakfast only
Prior to 5 p.m. - Breakfast and lunch

This Plan provides employees with a fixed daily meal allowance of $50.00. If meals are provided by the conference, the following amounts will be reduced from the daily meal allowance. The daily (or partial) allowance may be used for any meal and not restricted to the itemized amounts listed below. Itemized receipts are required for all meal reimbursement requests.

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d. In-State meals are not reimbursable.

E. MISCELLANIOUS EXPENSES AUTHORIZED TO BE CLAIMED

   a. Receipts are required for individual miscellaneous expenses.

   b. Authorized expenses include:

   (1) Ground transportation, including airport shuttle, taxi or public transit.

   TAXI FARES: Taxi fares are reimbursable only when it is necessary to use such means of transportation between hotel and conference meetings. Receipts are required.
(2) Hotel/airport parking and tolls for turnpike, bridges and/or ferries.

(3) Business related telephone calls or internet service when authorized.

(4) Gasoline and/or Other Supplies

c. Emergency repairs incidental to using a district-owned vehicle.

d. Reimbursement for alcoholic beverages is strictly prohibited.

F. TRAVEL EXPENSE REIMBURSEMENT

1. All requests for travel expense reimbursements shall be submitted on the State of Delaware “Personal Expense Reimbursement” (PE) form provided by the District. This form and supporting documentation (i.e. copy of certificate of attendance, conference itinerary and approved professional development form)/required receipts should be submitted to the appropriate organization authority within seven (7) business days after the completion of travel.

2. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies. Employees are responsible for providing all required receipts before any reimbursement will be processed.

3. District fiscal personnel assigning or receiving account coding of travel expenses should ensure that travel object codes are used in preparing the Personal Expense Reimbursement. Employees must have valid employee vendor # to receive reimbursements, no exceptions.

4. CANCELLATIONS
When funds have been paid in advance on behalf of the employee, and the employee is unable to attend the scheduled activity, the employee must report the cancellation, with as much advance notice as possible, to his/her supervisor. The employee or supervisor must contact the vendor to report the cancellation to determine if another employee can substitute for the cancelled reservation. If not, request a refund.

In the event adequate notice has not been given or that costs are non-refundable, the employee may be held responsible for reimbursing the school district for monies spent on his/her behalf for which no services were received.
## Mileage Chart

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Adopted: June 26, 1986
Revisions: November 18, 2010; August 23, 2012; July 9, 2015
Employment of all District personnel (excluding substitutes) must be approved by the Board of Education.

All personnel will be paid in accordance with provisions established by the laws of Delaware and in accordance with the procedures and policies of the District.
600 FINANCES
615 Payroll Deductions

The Board may at its discretion act on behalf of individual employees to deduct a certain amount from the employee's paycheck and remit an equal amount to an agent designated by the employee. It is the purpose of this policy to designate those purposes not otherwise mandated by law for which the Board is willing to act on behalf of the employee.

ASSOCIATION DUES

The Board agrees to deduct from the salaries of its employees dues in compliance with Title 14, Section 4004C, and under the rules established by the State Treasurer.
The purpose of this policy is to establish financial supervision and controls for the administration of the various activities that involve Special Purpose Funds. Special Purpose Funds are defined as; those funds obtained by fundraising activities, donations and/or private grants to be used for a defined purpose, in support of Cape Henlopen School District programs and activities. These acquisition and disposition of such funds must be in with District guidelines.

INTERNAL ACCOUNTS

All Special Purpose Funds must be kept within a designated school internal account. All Internal accounts will be maintained in accordance with the policies and procedures defined in the Cape Henlopen School District Accounting Manual. All internal accounts are subject to internal and external audits to ensure compliance with established State and District guidelines.

AFFILIATED ORGANIZATIONS

All Special Purpose Funds raised by a Cape Henlopen School District Affiliated organizations (Booster Clubs, PTO/PTA and/or Sunshine Clubs) are subject to District review and approval. Affiliated Organizations who maintain separate bank accounts are required to be in compliance with all Federal, State and Local rules and regulations. The Board reserves the right to disband any affiliated organization for non-compliance issues.
School accounts and financial transactions shall be audited by auditors as prescribed by law.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

700 PROPERTY

705 Safety
706 Use of Fleet Vehicles
707 Use of School Facilities
715 Long-Range Educational Facilities Planning Policy
720 Policy on Naming School Facilities
The Board directs that the vehicles of the district shall be maintained and operated in a safe condition. Employee use of district/state-owned vehicles are subject to all applicable federal, state, local and district laws, rules, regulations and policies. Non-compliance with all applicable guidance may result in the revocation of driving privileges of district/state-owned vehicles.

The District will provide guidance related to operation and management of the Fleet Program.
700 PROPERTY
706 Use of Fleet Vehicles

The Board directs that the vehicles of this District shall be maintained and operated in a safe condition. Employee use of District/state-owned vehicles are subject to all applicable federal, state, local and district laws, rules, regulations and policies. Non-compliance with all applicable guidance may result in the revocation of driving privileges of District/state-owned vehicles.

Employees who wish to use District/state-owned vehicles are only authorized to transport students to/from District facilities to an authorized event/program. All vehicles use must have prior approval from a District administrator. Use of state fleet service vehicles may be subject to a daily reservation fee, funding must be designated by the authorizing administrator.

School District staff is prohibited from transporting students in a personal vehicle.

The School District will assume no liability on behalf of the employee for non-compliance with state and District policies related to the use of state-owned vehicles and the transporting of students.

All District/state-owned vehicles will be assigned to certain individuals for maintenance supervision.

At the end of each workday, all District/state-owned vehicles should be parked at assigned locations and not be used for an employee’s personal use. No vehicles are to be taken home overnight without prior written approval from a District Office Administrator outlining the purpose and duration of the approval.

District/state-owned vehicles will only be used for school business.

Whenever there is apparent damage to a District/state-owned vehicle which is caused by a traffic accident or any other means, a letter should be written to the Director of Facility Operations & Construction and Director of Business Operations, describing the cause, the amount of damage, and who was involved in the accident. Employees must also follow the reporting guidelines outlined in the State of Delaware Fleet Services manual.

The District will provide additional guidance related to operation and management of the Fleet Program, as necessary.
The use of Cape Henlopen School District’s facilities, as limited by Title 14, Chapter 10 § 1056, of Delaware Code, is a courtesy extended by the Cape Henlopen School District to community organizations and groups for organizational activities.

Approval of building use does not entitle applicants to post or send home flyers with children regarding events to be held. Permission for this must be obtained through the Superintendent’s Office and is required to contain the District’s disclaimer. School usage fees are based on Cape Henlopen School Board approved rates for services provided. Board of Education approval is required for any waiver/reduction of fees. Requests for fee waiver/reductions must be submitted in writing to the Superintendent’s office at least one (1) month prior to event.

Permission to use school facilities may be secured by completing the request form at least one month prior to the anticipated date of use. Use of the schools will be on a first come, first served basis. Requests involving several uses during the school year should be submitted in August. Continuing requests must be renewed annually by completing a new application for use of the school facility. The length of contracts will not exceed twelve months at a time. The District maintains the right to reject any facility usage request.

Below are the rules and regulations governing the use of all Cape Henlopen Schools and facilities:

1. A Cape Henlopen School District activity, whether taking place during the school day or otherwise, shall have precedence over any other activity;

2. Request for use of school facilities must conform to the school calendar. When schools are closed due to inclement weather, activities may be canceled;

3. The Board of Education may refuse to permit the use of any school facility if it is found to be contrary to District or State policy, and/or Title 14, Chapter 10 § 1056 of the Delaware Code. The District has the right to reject any facilities usage request;

4. All groups permitted to use school property shall be responsible for any theft from the property and any damage over and/or above ordinary wear;

5. If the group uses the school during normal school hours and leaves the area of the building unclean causing the need for the custodial staff to clean the area, the group will be charged for the added custodial time needed to properly clean the area;

6. The person whose signature is on the application form will be held liable for the payment of fees;

7. Requests for school equipment (e.g. microphones, projectors, screens, etc.) or internet access must be submitted in writing no later than one (1) week prior to the event. The District has the right to reject any equipment and/or internet access request. Cape Henlopen School District will supply only equipment that is already installed in the room/area; all other equipment must be supplied by the applicant;

8. Possession or use of alcoholic beverages and/or illicit drugs on school premises is prohibited at all times and will result in loss of user privileges and be subject to prosecution;

9. Smoking is not permitted in school buildings or on school grounds;

10. Fee schedules for Use of School Facilities will be reviewed and are subject to change each June;
11. The individual/organization requesting the use of the facilities will be responsible for the enforcement of all Cape Henlopen School District rules, regulations and policies. Any individual/organization who violates this requirement will be subject to withdrawal of use privileges;

12. A security deposit (in the amount of 50% of the facilities usage fee) is required for all Category 3 rentals of athletic, theatre, cafeteria, and atrium facilities;

13. School authorities must be notified of any cancellations at least 24 hours prior to the scheduled activity; otherwise, personnel charges will be assessed and applied;

14. At least one Cape Henlopen School District custodian must be on-site during all events on Cape property. The minimum charge will be for one (1) custodian for three (3) hours. An approved school employee may provide custodial services above the 3-hour minimum if s/he is a member of the organization and if s/he assumes responsibility for the activity. In these instances, a Cape custodian will open and close the building and be paid for at least three (3) hours (approval must be granted in advance by the Director of Administrative Services);

15. During the heating and cooling seasons, night temperature setbacks shall be maintained in all buildings during weekends, holidays and weekday evening hours. The Superintendent or his/her designee may grant exceptions. Additional fees may apply for the requested use of heating or air conditioning systems;

16. All anticipated and unanticipated cost of events will be the responsibility of the organization requesting usage of the facilities;

17. Insurance Requirements for use of Cape Henlopen Facilities

   Individuals/organizations using Cape Henlopen School District facilities must supply a certificate of insurance. The certificate must be submitted to the Director of Administrative Services and meet the following specifications:

   a. Certificate Holder:
      Cape Henlopen School District
      1270 Kings Highway
      Lewes, DE  19958;

   b. Name Cape Henlopen School District as an Additional Insured on the policy(ies);

   c. General Liability Insurance coverage with Bodily Injury and Property Damage Limits of Liability of at least $1 million Occurrence & Aggregate as the minimum Limits of Liability; and,

   d. Cape Henlopen School District is to be added to the insurance policy under a “Hold Harmless Agreement”/“Waiver of Liability” endorsement; and,

18. ORGANIZATION CATEGORIES

   CATEGORY 1 - School/Government Related Activities – 100% discount on Facility Rate Only.
In order to qualify as a Category 1 organization, the facility usage must be directly related to the primary purpose of education and use of the facility must be at a time when the custodial staff is normally on duty, with no additional custodial expenses being incurred as a result of the facility usage. Organizations include:

1. All Cape Henlopen school clubs;
2. All Cape Henlopen student organizations;
3. Cape Henlopen Parent/Teacher Organizations;
4. Cape Henlopen School-Board activities;
5. Cape Henlopen Education & Support Staff Associations (CHEA & CHSSA);
6. Cape Henlopen Educational Foundation;
7. Cape Henlopen Booster organizations;
8. Government/Municipalities (subject to personnel costs and liability provisions); and
9. Local police and fire departments (subject to personnel costs and liability provisions).

CATEGORY 2 - Non-Profit Groups

Any group wishing to qualify for use of school facilities as a Category 2 organization shall petition the Superintendent by letter. Such letter shall include the aims and objectives of the group and the activities' relation to education. A list of approved Category 2 groups will be kept on file in the Facilities Management office. Category 2 status may be granted to other State educational institutions. Custodial fees will be assessed unless the event occurs during normal custodial working hours and no additional custodial services are required. Non-profit groups must hold a current 501©3 status as determined by the Internal Revenue Service (proof required).

Cape Henlopen Category 2 Community groups-

1. Non-Student Oriented Groups - 25% discount on Facility Rate Only,
2. Student Oriented Groups (with at least 50% Cape Henlopen current student or staff membership)- 50% discount on Facility Rate Only.
3. Small, student oriented, service or educational groups (maximum membership, not attendance, of 25 and at least 75% Cape Henlopen current student or staff membership) – Facility rate of $1 per school year for up to 2 hours of classroom meeting space per event.

CATEGORY 3

This category pertains to organizations and community groups that do not qualify for Category 1 or 2 and/or are a For-Profit Group. All such organizations will be charged rental fees in accordance with the approved schedule.

Custodial fees for Category 3 groups will be at the overtime hourly pay rate and charged for the entire time school district custodian(s) are on duty including preliminary preparation time, the actual program or event, and throughout the cleanup period.

19. School facilities may not be used by District staff for personal reasons without explicit written authorization by a District Office Administrator in accordance with these guidelines.

Adopted: June 26, 1986
Revisions: June 24, 2004; March 13, 2008; December 9, 2010; December 15, 2011; May 23, 2013; November 14, 2013; June 23, 2016
I. PURPOSE

A. GOAL

The first goal of this policy is to provide guidelines to address the need for facilities to accommodate educational programming in the light of changing enrollment and trends in education.

A second goal is the protection of the district’s investment in existing facilities to avoid the higher cost of rehabilitation and/or replacement associated with deferring/postponing maintenance and repair.

B. OBJECTIVES

The objectives of this policy are to:

1. Address changing attendance patterns.
2. Provide facilities and sites to sustain high-quality programs at reasonable costs.
3. Promote continuity and stability with respect to attendance patterns.
4. Project needs for new sites and buildings.
5. Project over- and under-utilization of sites and facilities.
6. Provide services and resources fairly and equitably.
7. Provide equal access for the handicapped to all programs.
8. Provide a safe, healthy, comfortable teaming environment.
9. Consider the impact of facility changes on program and the community.
10. Establish building capacities that shall be considered before any pupil is accepted into the district through an attendance deviation or choice request.
11. Provide for maximum integration of students of varying levels.
12. Provide adequate school space to accommodate changes in educational programs and services to the extent these can be anticipated; i.e., all-day kindergarten, pre-kindergarten, Head Start, lower pupil-teacher ratios, and technological advances in instruction.
13. Anticipate integration of social/community services as part of space requirements in operating facilities; i.e., day care, latchkey programs, health care.
14. Locate funding sources to fulfill goals.
15. Administer leases in order to ensure leased facilities are well maintained.

16. Provide responsive program for community use of facilities on a cost-recovery basis (outside users).

17. Concentrate on operating district buildings in the most energy-efficient manner possible.

II. DEFINITIONS

A. Building capacity is the total number of regular and special needs students that can be accommodated in a building based on current program requirements and staffing ratios. Program building capacity shall be determined using the 1995 school capacity formulas recommended by the statewide School Construction Committee. (The committee was convened by the Department of Public Instruction, State of Delaware, and submitted its recommendations to the State Board of Education in the spring of 1995.)

B. Building utilization is the percentage derived by dividing actual enrollment or anticipated enrollment by building capacity.

C. Criteria and desired standards that shall be applied to each school annually are:

1. MINIMUM ENROLLMENT

   Minimum enrollments, where obtainable, for schools are:

   a) No fewer than 200 students enrolled in the regular program in an elementary school regardless of the number of grades served;

   b) At least 500 in middle schools (middle schools are grades 5 to 8 and are considered secondary schools for purposes of this policy);

   c) At least 800 students in the regular program in the high school (grades 9 to 12).

2. DESIRED ENROLLMENTS

   Desired enrollments for schools, provided the capacity exists, are:

   a) Two or more regular classes per grade in an elementary school;

   b) An average of 125 to 175 students per grade in middle schools.

3. UTILIZATION

   Each school's utilization should be between 70% as a minimum and 90% as a maximum in elementary schools and the high school and 85% in the middle schools. Less than 70% denotes under utilization; 90% in the elementary schools and high school and 85% in the middle schools denotes over utilization.
4. MODERNIZATION

The changing of design, fixtures, fittings, furnishings appearance, and service systems of a building to bring it up to contemporary standards, including current building codes, that are consistent with the needs of present and future educational programs and the objective of conserving energy.

5. ALTERATION

Minor changes made internally that do not involve major structural changes but which contribute to the improvement of the structure.

6. REMODELING

Includes any major permanent improvement to a building. Changes of partitions, roof structure, or walls are included. Also included are extensive changes, such as changing a regular classroom into a science classroom or similar changes.

7. REHABILITATION

The general overhauling of a complete building or major section thereof to better adapt it for continued use for the school program or a different type of occupancy.

8. RENOVATING

Renovations include those items that renew a building or part thereof without changing the structure, function, or design.

D. The Five-year Facilities Plan is a document produced annually and contains the following:

1. Statement of objectives of the Capital Improvement Program.
2. Recommended capital projects and a proposed construction schedule.
3. An estimate of cost and a statement of funding source.
4. Current enrollment figures for all schools, and projected enrollments for the next five and ten years and resulting building utilization.
5. A list of schools that fail or are projected to fail the criteria and desired enrollment standards during the next five years; and
6. The superintendent's recommendation for schools that fail to meet criteria and desired enrollments.
7. The superintendent's recommendation concerning any changes in the status of leased facilities or property and facilities not in service.
8. Analysis of energy use from the previous fiscal year compared to a base period.

E. FUNDING SOURCES

Funding sources to implement the Capital Improvement Program and the repair/maintenance program for the district are coordinated with the three-year fiscal planning practiced by the state of Delaware to the extent possible.

FUNDING SOURCES ARE:

1. LOCAL OPERATING FUNDS AND STATE DIVISION II FUNDS

Local operating funds are used for operating expenses in the maintenance department. These funds are also used for repair/replacement of equipment, fixtures, maintenance supplies and equipment, vehicles, expendables, and consumables. These funds are generated from the district operating tax account or Division II (all other costs) state of Delaware funding for school districts.

2. MAJOR CAPITAL IMPROVEMENT

State supported Major Capital Improvement is any single project that exceeds the Minor Capital Improvement project level as established by the Department of Public Instruction, increases the size of a building, reconstitutes the composition of a building, or builds a new facility. New work rather than repair/replacement would be considered under this category. Furniture may not exceed 10% of construction price under the state supported Major Capital Improvement, and any building addition that exceeds DPI formulas will not be state supported. Major Capital Improvement is 60% state funded and 40% locally funded by school district usually through voter referendum. Major Capital Improvement projects not meeting DPI guidelines must be 100% local school district funded.

3. MINOR CAPITAL IMPROVEMENT (MCI)

This capital improvement program is defined in the state of Delaware School Construction Manual to provide for planned and programmed maintenance and repair of the school plant. Its primary purpose is to support projects needed to keep real property assets in their original condition of completeness and/or efficiency on a scheduled basis. It is not for increasing the plan inventory or reconstituting its composition, which will be contrary to the school formula. Nor is it for annual or more frequent maintenance activities. MCI projects are limited to a dollar ceiling determined each year by the Department of Public Instruction. Submitted annually, the funding has a three-year life cycle. MCI is 60% state funded and 40% funded through local school boards.
4. SCHOOL BUILDING MAINTENANCE PROGRAM (STATE MAINTENENACE)

The School Building Maintenance Program is established to provide funding for unscheduled, unplanned, and unprogrammed building maintenance that requires expeditious attention. It is, in short, a contingency program. Funds may be used "only for the purpose of maintenance of buildings and integral parts thereof" (29 Del. Code, Section 7529 (b)). Specifically excluded are routine janitorial supplies, movable equipment, and upkeep of grounds/site maintenance. This program is 100% state funded.

F. Total enrollment is the number of students enrolled on September 30 of any year for students from early childhood through grade 12, including students with disabilities.

III. PROCESS AND CONTENT

A. FIVE-YEAR FACILITIES PLAN

1. On or about November 15 each year, the superintendent, through staff, will publish a proposed Five-year Facilities Plan.

2. Using September school enrollments and projected enrollments impacting building utilization for the next five and ten years, the superintendent will determine if any school fails to meet criteria and enrollment standards during the next years.

3. For each school that fails to meet criteria and desired enrollment standards, the superintendent will recommend one or more of the following:

   a) A project for next fiscal years Capital Improvement program.

   b) A capital project in the subsequent five years that is covered by the Five-year Facilities Plan.

   c) A solution such as boundary change, grade-level reorganization, closing/consolidation, or other similar solution that does not necessarily involve a capital project; or

   d) action or deferral pending further study of enrollment and other factors.

4. By no later than the regular business meeting in November, the Board of Education may take action to accept, reject, modify, or defer action on the superintendent's recommendations in its entirety or any section of the recommendations in the Five-year Facilities Plan. No action by December 31 shall be considered preliminary approval in order to facilitate hiring architects/engineers and starting the specification/bid process for work to be done during the next construction cycle.
IV. SCHOOL CLOSINGS/CONSOLIDATIONS OR MAJOR CHANGE OF STATUS

A. STUDY AND PRELIMINARY PLAN

1. In the event that it may be advisable to close a school, consolidate school populations, or adopt a major change in status, in addition to preparing other data required by this policy and considering other policies regarding educational or curriculum criteria, the following information shall be presented on each school that may be affected by the proposed policy:

   a) Regular student population residing in the attendance area and students who have transferred from outside the school's attendance area;

   b) Minority student enrollment;

   c) Special programs (special education programs defined by the Delaware Department of Public Instruction, Head Start, Title I, etc.);

   d) A review of each school's location and site characteristics;

   e) Building characteristics, including any modifications required for special programs;

   f) Needed improvements or additions;

   g) Operating costs;

   h) Feeder patterns;

   i) Effect on transportation.

2. This data is to be sent to each affected building principal who will review the data with staff and community representatives. Any discrepancies are to be reported to the superintendent.

3. Staff shall apply the screening criteria listed below to each school to determine which, if any, it does not meet, or is projected not to meet, during the next five years. Schools not meeting one or more of the criteria will be examined as a first step toward any kind of change.

4. In addition to school closing or consolidation, other changes may be necessary, such as attendance boundary adjustments, building additions or new schools, relocating district special programs, etc. Every school potentially affected by a proposed change will be included in the process of seeking solutions to problems.

5. The screening criteria and desired standards that shall be applied each year are:

   a) Minimum enrollments as defined above.

   b) Utilization percentages as defined above.
700 PROPERTY
715 Long-Range Educational Facilities Planning Policy

c) Need for improvements or additions. If a building is in unsatisfactory condition as indicated through evaluation and in need of major capital improvements and/or its age will be 30 years or more during the five year period of revision, it will be defined for further study.

d) Majority/minority enrollment in keeping with district demographics.

6. Long-range needs, including retention of school sites or disposal of excess school sites, will be analyzed.

7. Reassignment plans for students will be developed to minimize disruption when a school closing is recommended.

8. The superintendent shall develop a recommendation for each school studied, which may include no change. Recommendations for change should attempt to achieve:

a) Desired regular enrollments of two or more classes per grade in an elementary school, an average of 125 to 175 students or more per grade in middle schools so long as the school has sufficient capacity to accommodate this enrollment.

b) Utilization between 70 and 85 or 90 percent of current capacity.

c) Prudent capital improvements.

d) Prudent operating and capital costs, including bonded indebtedness.

e) A solution consistent with the School Board's educational philosophy.

f) Best utilize building capacities while minimizing split attendance patterns.

g) The greatest number of students being able to walk to school. Those who are bused should be transported the shortest possible distance, except when long distances are required to address racial or ethnic isolation.

h) A solution consistent with the progressive standards on education of the handicapped child. Accommodation for special programs and students should be provided using the same considerations as for regular programs and students (e.g., stability, adequate facilities, reasonable transportation requirements) and placement of special students in the least-restrictive appropriate setting.

i) Facilities that will accommodate the educational program of affected schools, such as gymnasiums, auditoriums, specialized vocational spaces and the impact on existing educational programs. Previous Board-adopted changes affecting students are to be considered; e.g., school consolidations, program relocation's, boundary changes, and grade level reorganizations.
715 Long-Range Educational Facilities Planning Policy

j) The impact on affected communities including prior consolidations and closings, existing day care services, community use of schools, and availability of other community resources.

k) The potential of a facility for alternate use. Where appropriate, comparative analyses of the potential for alternate uses should be furnished.

9. On or before November 15, the superintendent shall present to the Board of Education recommendations concerning any school closing, identifying and examining each problem caused by changing enrollment, and recommended actions. The recommendation should be viable for at least three years. The superintendent's recommendations will be sent to the Board before being presented to the public.

B. COMMUNITY REACTIONS TO THE SUPERINTENDENT'S RECOMMENDATIONS

The community's role in the process shall be as follows:

1. Individuals, schools, and/or community organizations may react to the recommendations for their school within two months after they are distributed. All reactions and community-developed proposals will be shared with the Board. To assure comments and reactions are shared with the Board, comments must be written. Written comments will be duplicated in their entirety, in the exact form received, and then forwarded to the Board.

2. If an individual or community group wishes to develop an alternative proposal affecting its school and others in the area, it should involve representatives of all school communities affected by the recommendations or make efforts to secure such representation. Any community plans should be sent to the superintendent within two months after the recommendations are distributed.

C. FORMAL RECOMMENDATIONS/BOARD ALTERNATIVES

1. The superintendent shall develop formal recommendations after considering individual and community reactions and alternatives, and submit them to the Board of Education by February 1.

2. If the Board chooses to request alternatives to the superintendent's formal recommendations, affected communities will be informed about them promptly.
D. HEARING PROCESS

1. For school closings, consolidations, or major changes in status, such as but not limited to reorganizing a school's grade-level configuration, the Board will hold public hearings or forums to receive and discuss citizens' reactions to the superintendent's formal recommendations and Board-proposed alternatives. The Board will determine the allocation of time for speakers at these hearings. The Board may choose to receive comments during a regularly scheduled meeting or may choose to schedule a special meeting to receive comments and clarify questions. If a special meeting is convened, discussion among the Board shall be deferred until a regularly scheduled meeting. The Board, in addition to other means of notifying interested citizens, will advertise the public hearing in the newspaper at least twice in each of the two weeks before the hearing date. The notice will include procedures to be followed in making the Board's final decision.

2. Interested citizens and groups wishing to speak should contact the principal of the affected community school, who will coordinate testimony on behalf of the school at the hearing. Organizations not specifically connected to a school should contact the superintendent's office. All written comments will be accepted until 3 p.m. on the workday preceding final Board action or as otherwise determined by the Board. The Board should complete all hearings and forums during February.

E. BOARD OF EDUCATION ACTION

1. In the event the Board votes to adopt a modification or alternative containing elements that differ substantially from those on which citizens have had an opportunity to comment, the decision shall be tentative and written comments shall be sought and considered prior to final action. Further, the Board reserves its right to solicit further input or to conduct further hearings if, in its sole discretion, it considers them desirable.

2. In making its decision, the Board shall take into account the superintendent's recommendations and each of the criteria for solution. The minutes of the Board meeting will reflect reasons for individual Board member's actions with reference to the criteria.

3. All decisions should be made by the Board no later than the regular business meeting in March.

4. Decisions on school closures shall be made and announced at least 90 days prior to their effective date, but not later than April 30 of any school year, except in emergency circumstances described below.

5. Each Board member's vote shall be recorded on each issue.
F. EMERGENCY CIRCUMSTANCES

In the event the Board of Education determines that an emergency circumstance exists, the superintendent will establish a condensed time schedule for making recommendations to the Board, for scheduling hearings, and for Board action. An emergency circumstance is one where the decision to close a school because of unforeseen circumstances cannot be announced at least 90 days prior to its effective date or before April 30 of any school year. For any actions of this type, however, affected communities will be notified and given pertinent information at the earliest possible time. All criteria specified in this policy will apply, although on a time schedule shortened as necessary.
A. PURPOSE

To establish an equitable process by which the Board of Education can assume its responsibility for naming or renaming school facilities. Naming in this policy also refers to placing a plaque, planting a tree, or placing any other symbol or object that names or honors an individual, group, or entity of any kind on District owned property.

B. PROCESS AND CONTENT

1. The Board of Education is responsible for adopting official names/symbols/objects for District public school facilities. In fulfilling this responsibility, the Board will make every effort to respect community requests;

2. The Board will consider requests to change the name of or add a name to an existing school, or any part of it, including placing a plaque, planting a tree, or placing any other symbol or object that names or honors an individual, group, or entity of any kind on District-owned property. If the Board's review is favorable, the Superintendent will establish a committee to review the request and make recommendations. A committee so constituted will seek community input into the process through a variety of means, such as surveys, questionnaires, and public comment. In the event of renaming a facility or any part of it, including athletic fields, the Board of Education may not act sooner than one year after the first recommendation is received;

3. Committee recommendations for a school name/symbol/object will be presented to the Board for its consideration. The final responsibility for officially naming a school facility rests with the Board of Education;

4. When a new school site is purchased, or a planning project for a new school is initiated, the Superintendent will establish a temporary, generic name to designate the site or building for planning purposes. As a new school nears completion, the Superintendent will establish a process through which interested groups in the community that the school will serve, may choose to retain the school's planning name or may recommend in priority order as many as three preferences for a new name;

5. Geographic names are preferred for new schools, especially elementary schools. These names should be clearly identifying, widely known, and easily recognized; and,

6. If a geographic name is not appropriate, schools may be named for distinguished persons, no longer active in their careers, who have made an outstanding contribution to the community, county, state, or nation. The person's name should be widely known and easily recognized. The Board will give active consideration to women and minorities so that they are equitably represented among District school names.

800 OPERATIONS

802    School Organization
804    School Day
808    Child Nutrition Services
810    Transportation
812    Property Insurance
The Board recognizes that the organizational structure of the district can help achieve a more effective instructional program and a more efficient operation.

The Cape Henlopen public schools shall be organized to provide equal opportunity for the best possible education to all school children of the community.

The schools shall consist of the following types of units: elementary school, middle school, high school and such special schools as the school board may authorize the superintendent to establish.

1. The elementary school is organized to provide a program of instruction best suited for children during the early years of schooling.

2. The middle school is organized to provide a program designed for preadolescent and early adolescent youth and shall be organized with research-based middle school best practices.

3. The high school is designed to serve the regular and many special educational needs of all high-school-age youth in attendance, including varied academic, vocational, and extracurricular programs. The Board endorses the importance of ninth grade transitional year of high school and supports the location of ninth grade in a separate specific setting.

The Cape Henlopen School District also provides a wide range of programs for students with autism and special needs from preschool through Grade 12 through Sussex Consortium programs serving all of Sussex County. Cape Henlopen elementary, middle, and high schools shall serve as mainstream sites for the Sussex Consortium.
The normal school day for the instruction of students of the District will be in accordance with requirements established by the State Board of Education and Delaware Code.
Food service programs of the district shall be directed at meeting the needs of the pupils in accordance with these guidelines.

The Child Nutrition program shall be under the direction of the manager of the respective school cafeteria, who in turn is responsible to the building principal. Such operations and programs are to be run in a manner that insures optimum coordination with educational programs. Overall districtwide supervision of school lunch programs shall be provided by the Child Nutrition Services Supervisor. The Child Nutrition program should be administered in accordance with all applicable federal, state and local rules and regulations. Please refer to Board Policy 230 as it relates to student debts incurred in the Child Nutrition Program.
Transportation for students shall be provided in accordance with law and the following guidelines.

1. When a school bus contract becomes available, notice will be published in two local public newspapers and on the District web site.

2. The District Supervisor of Transportation shall screen all applications on the basis of the following qualifying factors:
   A. Possession of a valid school bus driver license with proper endorsements for at least two years;
   B. Satisfactory criminal background check;
   C. The ability to perform school bus driver tasks;
      (1) Pass a school bus driver physical exam;
      (2) Walk to and board a school bus independently;
      (3) Drive the bus;
      (4) Perform school bus evacuations (both front and rear door);
      (5) Walk from the front of the bus to rear of the bus;
   D. Insurability (letter from an insurance company);
   E. Financial ability (letter from financial institution);
   F. Number of contracts presently held in and out of district;
   G. Satisfactory motor vehicle driving record.

3. Applicants’ credentials will be evaluated by a selection committee comprised of the District Transportation Supervisor and District staff. The committee will review the qualifications listed in #2 above and will consider the following priority factors:
   A. Purchase existing equipment at fair market value from the previous contractor;
   B. Contractors who may have lost a contract due to downsizing;
   C. Proximity of residence to route;
   D. Three Professional References;
   E. Years of experience in school busing driving;
   F. Satisfactory services transporting students;
   G. Accuracy of the application, and
   H. Other experiences related to school bus operations.

4. No contractor is to have more than 35% of the bus contracts within the Cape Henlopen School District. The Transportation Review Committee may make an exception if no other applicants can fulfill the requirements.

5. In the event a contract expires for the sole purpose of changing the named contractor to a qualified spouse residing within the same household or a qualified son(s)/daughter(s) or son(s)/daughter(s) residing near the geographic location in the District, a replacement contract may be offered by the Transportation Review Committee.

6. In the event a contract is considered to be expiring for the sole purpose of changing the named party (contractor) to a corporation, and the majority stockholder of the corporation remains the same as the named contractor in the preceding contract, said contract may be renewed as requested, subject to the approval of the Transportation Review Committee. However, if the majority stockholder of the corporation named in the new contract changes, at any time the contract is subject to review by the Transportation Review Committee.
7. If a contractor should become ill, rendering the contractor unable to fulfill the terms of the contract, the contract shall expire. However, the Transportation Review Committee may offer a replacement contract, without selection committee review, to a qualified spouse residing within the household or qualified son(s)/daughter(s) or son(s)/daughter(s) residing near the geographic location in the District. Should none of the above be interested, the contract will be open to other qualified applicants.

8. In the event of the death of a contractor, the contract shall expire. However, to avoid an interruption in service immediately following the death of a contractor, an emergency status shall exist. During this emergency, which may not exceed the shorter of two months or completion of probate, the qualified survivors may cause the contracted service to continue uninterrupted, and the District will pay into the estate of the deceased the normal customary payments as prescribed by the contract. During this emergency, the Transportation Review Committee may offer a replacement contract first to the surviving qualified spouse. If the surviving spouse is unable or unwilling to accept a contract, the Board may offer a replacement contract to a surviving qualified son/daughter or son(s)/daughter(s). Should none of the above survivors be interested, the contract will be open to other qualified applicants.

9. A contractor may recommend a person(s) of interest and transfer the contract from the contractor to another party contingent upon approval of the Transportation Review Committee. In the event that a transfer is proposed by the current contractor, the advertising requirement contained in section (2) shall not apply.

10. In the event that the Transportation Review Committee chooses to reject the proposed contractor, the committee shall notify the contractor of its decision and provide reasons why that contractor was not chosen by the District in writing. In the event that the district rejects the proposed contractor, the current contractor shall have the following options:
   A. Continue to operate the bus or;
   B. Give up the contract at the end of the year or sooner if allowed by the District or;
   C. Find a new contractor who will meet the criteria.

11. Fifteen days after a contract is awarded the new contractor will submit the following:
   A. Letter of commitment;
   B. Financial documentation of ownership of the buses;
   C. School bus insurance in accordance with Title 14;
   D. Worker’s compensation insurance; and
   E. Reasonable suspicion training certificate.

12. Should two or more person(s) equally qualify for the said contract; the final decision will be made via lottery conducted by the Transportation Review Committee of the Cape Henlopen School District.

13. Contracts will begin on the agreed date once all documents have been received and it has been approved by the Transportation Review Committee.

CONTRACT ADDENDUM'S

When it is necessary to add an additional route not large enough to constitute a separate contract, the following procedure will be used.
1. All current contractors will be notified of the available contract addendum and invited to make application;

2. The applicant currently having the lowest number of miles and those applicants having within five miles of that number will receive first consideration for the contract addendum;

3. If two or more applicants have short routes that do not differ by more than five miles, first consideration will be given to the contractor with the fewest number of buses;

4. In order for applicants to receive consideration, each must have a satisfactory performance record, and;

5. Should multiple contractors qualify; a lottery will be conducted by the Transportation Review Committee of the Cape Henlopen School District.

CANCELLATION PROCESS

1. An annual review of the students currently eligible for school transportation will determine the estimated number of students eligible for transportation for the next school year.

2. Giving primary consideration to service, safety and economy, any necessary revisions of the bus routes for the next school year shall be made based on the estimated number of students eligible for transportation. Administrative decisions shall be made on the total number of routes and buses needed for the next school year and the number of cancellations required.

3. This information shall be made available to the bus contractors prior to the ending of the current school year and prior to the identification of the school bus routes to be canceled.

4. Prior to canceling a bus, the bus could be relocated to another school in need. When a "tie" exists between two or more bus contractors, the next step procedure shall be used with those identified "tied" bus contractors. A total of three (3) steps are available, if needed, in resolving this cancellation process.

   STEP ONE: The contractor that has the most contracts: a lottery conducted by the Transportation Review Committee the Cape Henlopen School District.

   STEP TWO: Identify the oldest school bus on contract. This shall be determined by the date of manufacture on the registration card of this bus.

   Cancel the oldest school bus owned by a contractor. If a tie occurs, proceed to Step Three.

   STEP THREE: Lottery conducted by the Transportation Review Committee of the Cape Henlopen School District.
5. No contractor shall have more than one contract canceled in a given year.

6. No multiple contractor shall lose more than one bus contract until all multiple contractors lose one.

8. Volunteer cancellations shall decrease the number of pending cancellations by the same number.

REINSTATEMENT OF CANCELED SCHOOL BUS CONTRACT(S)

Should the estimated number of students eligible for transportation be inaccurate, causing reinstatements of canceled school bus contract(s), these reinstatements shall be offered in reverse order of cancellations(s) to the contractors canceled under this policy.

Should a contractor(s) refuse an offer of reinstatement of a school bus contract, no further offer of same shall be rendered. A new contract will be advertised.
The Board recognizes its responsibility under law to insure the real or personal property of this school district.

LIABILITY INSURANCE

The school board shall purchase the type and amount of insurance necessary to protect itself as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental injury to any person or in property damage within or without the school building while the above-named insured are acting in the discharge of their duties within the scope of their employment and/or under the direction of the school board.

Adopted: June 26, 1986  
Revisions:
901 Public Relations Objectives
902 Parent Involvement in Title I Schools
903 Public Participation in Board Meetings
904 Public Attendance at School Events
905 Citizens Advisory Committees
906 Public Complaints
907 Freedom of Information Act Requests
913 Relations with Special Interest Groups
915 School and Community Notification and Procedures for Educating and Monitoring Sex Offenders
The purpose of the school-community relations program is to inform and involve the public of the goals and services of the District.

PUBLIC INFORMATION

The Board, through the Superintendent and the Public Relations Coordinator, will supply a continuous flow of factual information to keep the public informed as to the needs and activities of the students and District.
PART I. GENERAL EXPECTATIONS

The Cape Henlopen School District agrees to implement the following statutory requirements:

- The school district will put into operation programs, activities, and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.

- Consistent with section 1118, the school district will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.

- The school district will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA.

- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, the school district and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.

- If the LEA plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, the school district will submit any parent comments with the plan when the school district submits the plan to the State Department of Education.

- The school district will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the 1 percent reserved goes directly to the schools.

- The school district will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

  Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring-
  
  (A) that parents play an integral role in assisting their child’s learning;
  (B) that parents are encouraged to be actively involved in their child’s education at school;
  (C) that parents are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
  (D) the carrying out of other activities, such as those described in section 1118 of the ESEA.

- The school district will inform parents and parental organizations of the purpose and existence of the Parent Information Center of Delaware through a link in the “Parents and School Community” section of the district Web site.
PART II. IMPLEMENTATION OF REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY

1. The Cape Henlopen School District will involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA by soliciting input annually from Parent-Teacher Organizations (PTO) and from parents serving on school leadership teams at schools receiving Title I Part A funding.

2. The Cape Henlopen School District will involve parents in the process of school review and improvement under section 1116 of the ESEA by requiring school principals to include parents on their school leadership teams and by requiring principals to administer an annual parent survey to inform the development of school success plans.

3. The Cape Henlopen School District will provide necessary coordination and technical assistance, as well as required financial support, to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.

4. The Cape Henlopen School District will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies in other programs, including the district’s Little Vikings preschool program and other educationally related programs in the district’s attendance area.

5. The Cape Henlopen School District, with the involvement of parents, will evaluate the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The district’s evaluation will be informed by school-level evaluations conducted in the process of school success plan development, and will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The school district will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

6. The Cape Henlopen School District will build the schools’ and the parents’ capacities for strong parental involvement in order to ensure effective involvement of parents and to support a partnership among the school, the parents, and the community to improve student academic achievement through the following activities:

   A. The school district, with the assistance of its Title I, Part A schools, will provide assistance to parents in understanding topics such as those listed below, by regularly scheduling parent events such as open house, parent conference, and curriculum nights, as well as through regular written communication such as school and teacher newsletters.

      • the State’s academic content standards,
      • the State’s student academic achievement standards,
      • the State and local academic assessments including alternate assessments,
      • the requirements of Title I, Part A,
      • how to monitor their child’s progress, and
      • how to work with educators.
B. The school district, with the assistance of its schools, will provide materials and training to help parents work with their children to improve their children’s academic achievement and to foster parental involvement, by regularly scheduling parent events such as open house, parent conference, and curriculum nights, as well as through regular written communication such as school and teacher newsletters.

C. The school district, with the assistance of its schools and parents, will conduct in-service training as appropriate to educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools.

D. The school district, to the extent feasible and appropriate, will coordinate and integrate parental involvement programs and activities with the district’s Little Vikings preschool program and with other educationally related programs in the district’s attendance area to encourage and to support parents in more fully participating in the education of their children.

E. The school district will ensure that information related to the school and parent programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand.

PART III. ADOPTION

This district wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, through the Parent Teacher Organizations at each Title I, Part A school.

This policy was adopted by the Cape Henlopen School District Board of Education on (04/22/2010). The school district will distribute this policy to all parents of participating Title I, Part A children by posting it and updating it as necessary on the district Web site.

Adopted: June 26, 1986 Revisions: December 21, 1995; April 22, 2010
The education of children is best served when communication and issues are open among all members of the educational community. The Board recognizes the value to school governance of public comments on educational issues and the importance of involving members of the public in Board meetings.

EXPRESSION OF OPINIONS

The School Board will provide time to hear individuals, groups, and organizations in the community who wish to express their opinions concerning school matters.

All School Board meetings are open to the public in accordance with state law and local Board procedures as referenced in Section 006.
The Board welcomes the public at athletic and other events held by the school district, but the Board also acknowledges its duty to maintain order and preserve the facilities of the district during such events.

The Board has the authority to bar the attendance of any person at a school event whose conduct may constitute a disruption. The Board also prohibits alcoholic beverages, gambling, and the use of drugs on school premises.

The Board endorses the D.I.A.A. Sportsmanship Regulations and understands the district’s responsibility to provide for proper control of spectators at all events. This includes the responsibility to take reasonable and proper steps to assure crowd control under any foreseeable conditions.

ATHLETIC CONTESTS - ADMISSIONS

The only passes to be honored for admission to home athletic events for which admission is charged are official passes for the Henlopen Conference, photo and season ticket passes of the Cape Henlopen School District, and any special passes authorized and issued by the Board. Photo passes will be given free to senior citizens, retired Cape Henlopen employees with twenty years of service and active and past school board members. Photo cards will be printed free the first time but if replacement is necessary, a $10 fee will be charged.

Admission will be charged at the rate of $5.00 per person, 5 years and older, for all of the following sports:

- Football          $5.00
- Basketball (Boys) $5.00
- Soccer (Boys)     $5.00
- Lacrosse (Boys)   $5.00
- Lacrosse (Girls)  $5.00
- Field Hockey      $5.00
- Wrestling         $5.00

Season Ticket (Good for all regular season sports for one school calendar year)

- Adults            $25.00
- Students (K-8)    $5.00 per student added to an adult season ticket

Students in grades 9-12 will receive a photo pass valid for the balance of their Cape Henlopen career for the one-time charge of $20.00. Replacement charge if pass is lost is $10.00.

NOTE: Students in grades K-8 and younger children will not be admitted without an accompanying adult.
Citizen advisory committees are useful in keeping the Board and administration informed with regard to community opinion and in representing the community in the study of specific school problems.

The Board will appoint advisory committees to collaborate with the Board on school community problems, as specific needs arise.

The Board recognizes the value of association between school personnel and the public, and encourages parent participation in school life through various school organizations.
900 COMMUNITY
906 Public Complaints

Any resident or community group shall have the right to present a request, suggestion, or complaint concerning district personnel, the program, or the operations of the district. At the same time, the Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide a fair and impartial manner for seeking appropriate remedies.

Parents/citizens who wish to register a complaint must first express such complaint to the principal or administrator who is directly responsible in an effort to resolve the problem informally.

Parents/citizens who wish to complain regarding an employee shall be encouraged to first address the problem directly with the employee in an effort to resolve the problem. Wherein the parent/citizen refuses to start the process at the lowest level, the administrator receiving the complaint shall assess the validity of the complaint and, if warranted, utilize discretionary problem solving. When appropriate, the employee shall be promptly informed of the nature of the complaint and the complainant.

A complaint, to be considered under this procedure, must be initiated within 30 days from the time when the person knew or should have known of its occurrence. Informal complaints may follow the chain of command to the superintendent.

If the parent/citizen is not satisfied with the disposition of the problem through informal procedures, he/she may submit a complaint in writing to the superintendent. The appeal must state:

1. Nature of the complaint.
2. Response of supervisor, principal, or administrator directly responsible.
3. Specific problem or part of the problem still unresolved.
4. Remedy sought.

The superintendent or a designee will attempt to resolve the complaint as expeditiously as practical. A written response will be sent to the complainant.

A parent/citizen may appeal a written decision made by the superintendent or designee within ten days to the Board of Education through the superintendent. The appeal must state:

1. Nature of complaint.
2. Superintendent or designee’s response.
3. Specific problem or part of the problem still unresolved.
4. Remedy sought.
Any appeal submitted to the superintendent will be presented to the Board by the next regular meeting. Within 30 days, the Board will either render a decision, request additional information, or establish a date for a meeting with the Board. Complaints regarding program or operation of the district, not including personnel or students, will be addressed in an open session meeting with the Board. If the complaint involves personnel or other executive session matters, the Board will conduct a closed meeting with the complainant. If the complainant wishes the closed session to be open to the public, the district must receive notice by ten calendar days prior to the meeting. Also, if the complainant is bringing an attorney, the Board must be given ten calendar days’ notice. The complainant will be notified in writing of the disposition of the matter.

Information cannot be presented at an appeal level unless it has been presented at the lower level first unless the information is requested by the person or persons rendering the decision.
Cape Henlopen School District Policy Statement
For the Inspection and Copy of Public Records
Under the Freedom of Information Act

The Freedom of Information Act (the “Act”) (Title 29, Delaware Code, Chapter 100) establishes the right of the public to inspect and copy public records. Section 10003(b) of the Act provides that a public body, including the Cape Henlopen School District (“the District”), must establish rules and regulations regarding access to public records, as well as fees charged for copying such records.

Requesting party shall be granted access to the District’s public records under the following terms and conditions.

REQUESTS

1. All FOIA requests shall be made in writing to the District FOIA Coordinator in person, by U.S. mail, by e-mail, by fax, or online in accordance with the provisions hereunder. FOIA requests may be submitted using the FOIA Request Form promulgated by the Office of the Attorney General provided, however, that any FOIA request that otherwise conforms with the policy hereunder shall not be denied solely because the request is not on the promulgated form. Copies of the FOIA request form may be obtained from the District website.

2. All requests shall adequately describe the records sought in sufficient detail to enable the public body to locate such records with reasonable effort.

3. The Requesting Party is entitled to inspect and copy public records (as defined under Section 10002) in the custody of the District. The Act defines “public record” to include: “information of any kind owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by any public body relating in any way to public business, or in any way of public interest, or in any way related to public purposes regardless of the physical form or characteristic by which such information is stored, recorded or reproduced”.

4. If the District denies a request in whole or in part, the public body’s response shall indicate the reasons for the denial. The public body shall not be required to provide an index, or any other compilation, as to each record or part of a record denied.

5. Prior to disclosure, records may be reviewed by the District to ensure that those records or portions of records deemed nonpublic may be removed pursuant to § 10002 of this title or any other applicable provision of law.

6. The review of any requested documents must be performed during regular business hours.

COPYING

Copying of requested public records may be performed by District personnel, and provided as follows:

1. The District may, in its discretion, make the copies at the time of the review, or copy and mail the records to the requestor. The requestor may elect to pick up the copies during regular business hours and submit payment at that time.

2. Requested documents will be copied in existing form, without reformatting or creation of a new document, unless such customization is deemed reasonable and appropriate by the Superintendent.
FEES

1. The Act authorizes public bodies to charge any reasonable expense associated with copying the public record requested by the resident.

2. The cost of providing copies of paper records shall be:
   a. No charge for the first 20 pages of standard sized (i.e. 8.5” x 11”; 8.5” x 14”; and 11” x 17”), black and white copies, and $0.10 per page for each copy in excess of 20 copies ($0.20 for two sided)
   b. The care for copying 18” x 22” shall be $2.00 per page; 25” x 36” shall be $3.00 per page; and larger than 24” x 36” shall be $1.00 per square foot.
   c. Color copies/printouts shall cost an additional $1.00 per page for standard sized copies and an additional $1.50 per page for larger copies.

3. There is no charge for the first 20 pages of standard sized, black and white copies from microfilm or microfiche. The charge for each page of such printouts over 20 pages is $0.15 per page. The cost of copying records maintained in electronic format will be equal to the material costs in generating the records (i.e. the DVD, CD, or other electronic storage costs).

4. The District, in its sole discretion, may arrange to have records copied by an outside contractor. The requestor will be liable for all such costs.

5. One-half of the estimated fees shall be paid before any service is performed, and the balance is payable upon completion of the service and prior to receipt of the requested records. District personnel will maintain a receipt register and, upon request, provide a receipt when payment is received.

6. There will be no charge for one hour or less of staff time to process a request for records (i.e. identifying records, monitoring review of records, and generating computer records in electronic or print-out form). Administrative fees shall not include legal consultation to determine whether records are exempt from disclosure.

7. Administrative fees shall be billed to the Requesting party per quarter hour at the hourly rate of the lowest paid District employee capable of performing the service. Every reasonable effort shall be made to minimize administrative fees.

8. Prior to fulfilling any request requiring a Requesting Party to incur administrative fees, the District will provide an itemized written estimate of the administrative fees. The Requesting Party will decide whether to proceed with, cancel, or modify the request.

9. When a Requesting Party submits multiple FOIA requests, the District will attempt to avoid, or minimize, administrative fees by aggregating staff time to process such requests.

RETENTION OF REQUESTS

The District shall respond to a FOIA request as soon as possible, but in any event within 15 business days after the receipt thereof, either by providing access to the requested records, denying access to the records or parts of them, or by advising that additional time is needed because the request is for voluminous records, requires legal advice or a record is in storage or archived.

Questions should be addressed to the District Superintendent.

The Request for Public Records form can be found on the District website.

This policy is in accordance with Title 29 State Government General Regulations for State Agencies Chapter 100. Freedom of Information Act
### CAPE HENLOPEN SCHOOL DISTRICT
#### BOARD POLICY

**900 COMMUNITY**

**907 Freedom of Information Act Requests**

**Freedom of Information Act Request for Information of Public Record**

Persons requesting to review or copy public record of the Cape Henlopen School District shall fill out the top portion of this form to submit a request.

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**Copying by Outside Agency**

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Office Use Only: Waiver of Fees ☐

**Adopted: July 27, 2006**

**Revisions:**
Any requests from civic organizations or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to or by students, sending promotional materials home with students, graduation prizes or fund raising must be reviewed and approved according to the fundraising policies/procedures outlined in the Cape Henlopen School District accounting manual.

LITERATURE OR MATERIALS OF OUTSIDE ORIGIN

Literature or materials of outside origin will not be distributed in the schools except as approved by the Superintendent. Approved materials will be distributed electronically.

LISTS

School personnel will not furnish to any outside organization or individuals any list of students, parents, or teachers, unless they receive authority from the Superintendent.
CAPE HENLOPEN SCHOOL DISTRICT
BOARD POLICY

900 COMMUNITY
915 School and Community Notification and Procedures for Educating and Monitoring Sex Offenders

I. Guiding Principles

A. All children should be as safe as possible in our schools and communities. As a part of this, those responsible for caring for our children should have the tools necessary to keep our children safe from sexual abuse.

B. Community notifications should be as accessible as possible and include as much information as is necessary for the school and community to make informed decisions about personal safety.

C. Schools must know when a juvenile sex offender enrolls in its school, both for the safety of the school community and for the safety of the juvenile sex offender.

D. Parents should be regularly informed through existing communication methods, such as newsletters, about the availability of notifications, changes to information enclosed in school district binders, and the sex offender notification website.

II. Notification Requirements

A. Community notification of sex offenders is the responsibility of the law enforcement agencies. The posting of this public information is required by law and is available on the Delaware State Police Sex Offender Registry website: www.state.de.us/dsp/sexoff/index.htm. Community members can subscribe to register for email updates by clicking on the blue wording under the heading Sex Offender Email Subscription and following the directions. Efforts will be made to encourage all parents to subscribe to the community notification service on their personal computers.

B. Every school and the district office must place all notifications in a binder to be located in the main office and available for review upon request by adults and juveniles with adult supervision. The principal shall be responsible for ensuring the binder is up to date and available at all times.

C. School district administration shall inform staff of the appropriate individuals to whom parents should be referred, such as the guidance counselor and/or the principal. Referrals should be made as follows:

- Preparing children for personal safety: Designated district/school resource or Prevent Child Abuse Delaware 302-254-4611 or 674-1112
- Reporting child abuse: 1-800-292-9582
- Inquiries about the sex offender registry: Delaware State Police, 302-739-5882 or www.state.de.us/dsp
- Information about notifications: Law enforcement agency whose jurisdiction includes the offender’s registered address

D. The district shall keep the Note to Parents (Attachment A) with any notification viewed by parents to assure that parents understand that:

- The notice is intended for informational purposes to assist in preparing children for personal safety;
- A sex offender is not necessarily a child predator;
- Resources are available to help them educate children about personal safety;
- No one (parent, guardian, student, or staff) is to post the notification;
- No one should take action against the person or property of the offender, offender’s family or household or employer; and
- Child abuse should be reported.
E. The district shall distribute the Note to Staff (Attachment B) so that staff understand that:

- The notification is intended for staff to exercise appropriate caution to protect those under their care and supervision;
- Inquiries or reports should be referred to the appropriate resources;
- No one (parent/guardian, student, or staff) is to post the notification; and
- No one should take action against the person or property of the offender, offender’s family or household or employer.

F. The school district will maintain a log to document receipt of sex offender notifications and appropriate distribution.

G. Parents shall be reminded regularly of sex offender information available through communication, such as the annual school calendar and regular newsletters.

III. Educational Placement and Monitoring of Sex Offender Students

A. Attorney General or Law Enforcement Notification: The Superintendent is notified by the attorney general’s office or by police agencies after a student has been arrested on one or more felony charges. It is in the interest of all students and staff that school authorities review such incidents to explore the appropriateness of the student’s educational placement. That process should also explore whether or not the behavior may indicate a potential danger to staff, students, and/or the educational environment.

It is in the interest of the student concerned that there be a review of the case and that there be a means to assist in exploring educational options if needed. The review shall occur in accordance with the safeguards and consequences in the student codes of conduct. Please refer to the appropriate code of conduct for additional information including due process rights and possible options, which may include alternative placement, suspension, and/or expulsion.

The code of conduct shall also apply to out-of-school conduct of a student if the district believes that the student presents a threat to the health, safety, or welfare of other students and staff. In such cases, the district may take appropriate action, including expulsion. In any event, the Board of Education shall receive notification involving those listed below. The notification shall include recommendations from school review and central review. Based on such notification, the Board may hear the case or may provide an alternative educational setting or homebound instruction until the courts have made a determination of innocence or guilt.

Any student arrested and charged with a sex offense that results in the student being registered as a sex offender shall be placed on homebound instruction or in an alternative education setting pending further information or the outcome of court procedures.

B. Enrollment of New Students: The receiving school shall request all records including disciplinary files and information. The current sex offender binder should also be referenced to ensure the enrollee has no previous record. If it is determined that the enrollee has been arrested or convicted as a sex offender, enrollment and placement shall be delayed pending further information and determination of potential alternative placements.

C. Convicted sex offenders shall not be permitted to attend a school where the victim or any member of the victim’s immediate family will be attending or working.

Adopted: January 26, 2006  Revisions:
NOTE TO PARENTS AND GUARDIANS

The police are responsible for notifying the community of sex offenders in the area. This information is available on the Delaware State Police website (www.state.de.us/dsp). By law, all adults or juveniles who are convicted or adjudicated of specific sex offenses are registered. Please note that not all sex offenders are child predators or pose a threat to children.

School districts and charter schools must keep notifications of registered sex offenders received from the police in a binder in each school. They must follow guidelines for distribution of the notifications they receive. The guidelines will be available on the Internet (www.doe.state.de.us or www.state.de.us/kids).

The included notification may assist you in protecting your family. It is best that only parents and guardians share this information in an age-appropriate manner with their children so that the children will understand appropriate actions for their safety.

Parents and guardians should use this information in an age-appropriate way that helps children with personal safety but does not overwhelm the child. Prevent Child Abuse Delaware, a local nonprofit agency, has developed a list of safety tips to assist parents/guardians in helping their children feel safe:

- Review safety rules for your home - tell your children not to answer the door when you are not home, and establish a plan for answering the telephone.
- Make a list with your children of three safe grown-ups they can talk to if afraid or in trouble and you are not there.
- Talk with your children about which places are safe to visit in your community and which are not.
- Review with your children the four private places which are the mouth, the breasts, the genitalia, and the buttocks. Explain that no one should touch these places unless they are helping to keep the children healthy (exam by a doctor) or clean (bathing).
- Encourage your children to tell you if someone talks to or touches them in a way that makes them feel bad or that they do not like.
- Encourage open discussion with your children about their willingness to talk to grown-ups in your family about the things that bother them.
- Determine if your children know that the grown-ups in your family will listen to them. Ask yourself honestly if this is true. Do you and other adults in your family really listen to the children in your care?
- Tell your children that it is not their fault if someone tries to bother them or touch them in a way they do not like.
- Let your children know how special you think they are, encourage them to think of themselves as people worthy of respect, who also respect others. Treat and talk with your children in a way that conveys your respect.

If you would like further information on how to keep your child safe, you can speak with the school guidance counselor or contact Prevent Child Abuse Delaware at 302-254-4611.
For more information about the Sex Offenders Registry, contact Delaware State Police (302-739-5882).

If you have questions about an enclosed notification or specific offenders, please contact your local police.


Do not post this notification publicly or where non-family members might see it. Remember, it is best for children to get this information from their parents and guardians.

Do not take any action that may in any way harm or harass the offender, the offender’s family, household members, or employer. Do not attempt to harass the offender or make unsolicited, unwanted contact. If you believe anyone is a physical threat to you or children in your care, please contact the local police.

Please use the information responsibly for the safety and well-being of those in your care.

Anyone who uses this information to commit a crime against another person is subject to criminal prosecution.
NOTE TO SCHOOL/DISTRICT STAFF

Community notification of sex offenders is the responsibility of the law enforcement agencies. The posting of this information is required by law and is available on the Delaware State Police Sex Offender Registry website (www.state.de.us/dsp). All individuals, adult or juvenile, who are convicted or adjudicated of a number of sex offenses are required by law to be registered. Please note that not all sex offenders are child predators or pose a threat to children.

School districts and charter schools are required to provide to parents, guardians, and staff any notification of registered sex offenders received by the superintendent/principal of the district/school from the police. School districts and charter schools must follow guidelines designed to ensure the appropriate distribution of such notifications. The guidelines are available via Internet (www.doe.state.de.us and www.state.de.us/kids).

Do use the information in a responsible manner that will facilitate the safety and well-being of those in your care. Remain alert and exercise appropriate caution to protect those in your care or supervision. Advise the school principal or law enforcement agency if you believe anyone poses a threat to other persons.

Report child abuse by calling 1-800-292-9582.

Report emergencies by calling 911.

Refer students, parents, and guardians with questions about information on personal safety to your district, school, or charter school office. Parents may also call Prevent Child Abuse Delaware (302-254-4611 or 674-1112).

If you or another adult would like more information about the Sex Offenders Registry, contact the Delaware State Police (302-739-5882).

For any inquiries about an enclosed notification or specific offenders, please refer to the law enforcement agency with primary jurisdiction of the offender’s registered address.

Do not conduct classroom or individual discussion with students or parents and guardians. Do not post or display this notification in a public location. Remember that it is in the best interest of the children that information of this kind be shared by parents or guardians in an age-appropriate manner that results in their personal safety.

Do not take any action that may in any way harm or harass the offender, the offender’s family, household members, or employer. Do not attempt to harass the offender or make unsolicited, unwanted contact. If you believe anyone is a physical threat to you or children in your care, please contact your local police.

Anyone who uses this information to commit a crime against another person is subject to criminal prosecution.