

STUDENT DISCIPLINE

JK-R

In accordance with the Seaford School District policy regarding student discipline, the following have been developed:

A. Rules

1. Students shall have the right to an education, and any disciplinary action regarding their conduct which hampers that right shall be reasonable and within the laws of the State and the rules of the State Board of Education.
 - a. Codes of conduct shall be meaningful and applied without preference to any group or individual.
 - b. Disciplinary action shall be fair, consistent, and appropriate to the infraction or offense.
 - c. Action is to be taken when inappropriate student behavior threatens to, or does, interfere with the education of other students.
2. School-level rules and procedures having to do with student behavior are to be incorporated into the Seaford School District's Attendance and Disciplinary Guidebook K-12 after being developed, reviewed, and revised, as appropriate, by those groups (i.e., students, as appropriate, parents, and staff) who are either directly or indirectly affected by the rules and procedures. Additional rules and procedures relating to student conduct may be found in the Seaford Middle School student handbook and in the Seaford Senior High School student handbook as appropriate. At each school there shall be a functioning discipline committee to accomplish this. These committees shall meet quarterly.
3. All rules and procedures related to student behavior are to be in writing, understandable, and made available to students, parents, and staff.
4. School-level rules and procedures as well as the Attendance and Disciplinary Guidebook K-12 are to be implemented as intended. They do not, however, limit the discretion of staff or administrators.
5. Disciplinary rules and regulations shall apply to out-of-school conduct by students if school officials believe that the nature of such conduct poses a threat to the health, safety, and/or welfare of other students as well as the integrity of school programs. Such out-of-school conduct shall include, but not be limited to:
 - a. acts of violence which are punishable by law;
 - b. sexual offenses which are punishable by law;
 - c. the possession, distribution, sale, or use of alcoholic beverages or drugs or other controlled substances which would constitute an offense punishable by law.

Each instance of out-of-school, non-school-related adverse behavior shall be considered on a case-by-case basis by appropriate administrators to determine whether such behavior is likely to pose a threat to the health, safety, and/or welfare of other students and staff as well as the integrity of school programs.

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B. Special Education

1. Each student with a disability is subject to this regulation and the corresponding Board policy unless it is indicated in the Individual Educational Plan (IEP) that the student has been exempted because the misconduct is related to the handicapping condition or unless the misconduct is the result of an improper placement or program. In either of these instances, see Exhibit JK-E from the State's publication The Administrative Manual for Special Education Services (Section G, Discipline Procedures, pp. 88-101).
2. When special discipline considerations or alternatives are noted in the Individual Educational Plan (IEP) of a student with a disability, a special discipline plan shall be attached to the IEP which the student must follow.
3. If an Individual Educational Plan's disciplinary program is not working (as determined by the student's teachers), the IEP shall be reviewed to determine whether the program and/or the placement is appropriate.

C. Violations of Rules/Regulations and Disciplinary Actions

1. Student actions which are in violation of relevant portions of Delaware Code and which include, but are not limited to offensive touching, assault, possession, and/or use of a dangerous instrument or deadly weapon, and possession and/or use of an illegal drug or controlled substance or look-alike substance shall be reported in accordance with the requirements of the law.
2. Students shall have the right to be informed about alleged violations of rules and regulations.
3. Appropriate staff members shall establish and maintain communications with parents/guardians as soon as possible after students have committed offenses for which they can be suspended. In the case of repeat suspensions, parent conferences or the equivalent are to be held. (For all disciplinary infractions, staff members are encouraged to establish and maintain communications with parents/guardians. Further, the staff is strongly encouraged to communicate to parents/guardians positive examples of student behavior.)
4. Procedures for disciplinary action shall be conducted in accordance with the judicial concept of **innocent until proven guilty**. (In disciplinary hearings, it shall be the burden of the principal to prove by a preponderance of the evidence that a particular offense has been committed.)
5. Procedures for handling violations of regulations may vary in formality in accordance with the seriousness of the violation.
 - a. For all violations, students have the right to air their version of the events and to hear and respond to the evidence against them.
 - b. With serious violations (including excessive truancy and items included in Title 11, Delaware Code), students have the right to a hearing.
6. Administrators have discretionary powers to suspend students pending conferences and/or hearings as appropriate.

7. Prior to any recommendation for expulsion, the parents will be informed both orally and by certified mail, stating their right to be heard at the Board meeting and to have counsel, as well as pertinent factors relating to the action.

D. Communications with Parents

Parents shall be notified of each disciplinary referral that a student receives.

E. Disciplinary Records

1. Disciplinary referrals which a student receives will be placed in a disciplinary folder, and disciplinary records shall follow the student from grade to grade and school to school.
2. In each school there shall be a centralized tracking of the cumulative disciplinary infractions of each student.
3. Appropriate confidentiality of records will be maintained.

F. Appeals/Concerns

1. Students and/or their parents have the right to appeal disciplinary decisions following the established and written appeals procedures.
2. Staff members who have concerns or complaints relative to the implementation of rules and procedures related to student behavior may raise those concerns or complaints in accordance with the Board's policy and regulation "Staff Complaints" (GBM and GBM-R).

G. Miscellaneous

1. Should an incident on or off school premises result in police interrogation or arrest on school premises, parents will be informed of such by the principal or his/her designee. School personnel must be present whenever police arrest or interrogate any pupil on school premises.
2. School officials, as required by 14 Delaware Code, §4112, are to report certain offenses to the police and the Department of Education.
3. It is expected that the police will act in accordance with the Memorandum of Agreement Between the Seaford Board of Education and Law Enforcement Agencies in the State of Delaware.

EFFECTIVE: 6/29/93

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