

**ACADEMIA ANTONIA ALONSO**  
**ACKNOWLEDGEMENT OF RECEIPT OF THE**  
**STUDENT CODE OF CONDUCT AND**  
**STUDENT RIGHTS & RESPONSIBILITIES**

Dear Parents,

**It is important that you and your child(ren) understand and abide by the policies and guidelines set forth in the Student Code of Conduct. Maintaining a safe, secure, and nurturing school environment is our duty, and adherence to the standards of behavior that have been established will help us achieve that for all of our students.**

**Please sign below, acknowledging that you have read the Code of Conduct with your child and that you agree to adhere to its contents.**

**Print Parent Name:**

**Parent Signature:**

**Print Student Name :**

**Student Signature :**

**\*HOMEROOM TEACHER**

**Please return this page to your child's homeroom teacher no later than March 23, 2016**

# **INTRODUCTION TO THE STUDENT CODE OF CONDUCT**

## **MISSION STATEMENT**

It is the mission of La Academia Antonia Alonso to inspire children to become joyful, confident, creative, bilingual learners, helping them develop a strong biliterate academic and cultural foundation. La Academia's combined Dual Language and Expeditionary Learning Models provide an exceptional educational opportunity for our students that is aligned to Delaware content standards in a safe, secure and nurturing environment.

## **WHAT IS THE STUDENT CODE OF CONDUCT AT ACADEMIA ANTONIA ALONSO?**

Academia Antonia Alonso ("La Academia") is committed to providing a welcoming atmosphere that is positive and respectful to everyone. We believe that students, parents, faculty, staff, and the community must work together to make La Academia the best school that it can be. At La Academia, we do not condone behaviors that create a school environment where students do not feel safe or comfortable and where such behaviors interfere with learning. La Academia's Student Code of Conduct helps to create a positive and respectful school environment by letting you know the rules for your behavior at school, at a school event, or on the school bus so that everyone is safe and can learn at La Academia. La Academia's Student Code gives you information about what your rights and your responsibilities are as a student at La Academia. It provides you a list and the meaning of behaviors that are inappropriate at school, at a school event, or on the school bus, and the consequences for behaving inappropriately. The Student Code of Conduct also notifies your parents about your rights and responsibilities so that they can help you make your experience at La Academia a safe and welcoming place for everyone.

In order for school employees at La Academia to ensure a safe and productive learning environment free from disruptions for everyone, all school employees, students, and families are expected to adhere to the rules and guidelines as set forth in Academia Antonia Alonso's Student Code of Conduct.

## **WHEN DO I HAVE TO FOLLOW THE STUDENT CODE OF CONDUCT?**

You must follow the rules in La Academia's Student Code of Conduct:

- When you are at school, on the school bus, or at the bus stop.
- When you are not at school but with your class or teacher(s)
- When you are attending any school event and your teacher(s) or any school staff is present.
- At home or not at school if your behavior could create an unsafe environment for La Academia students and staff at school; or it interferes with the educational rights of another student; or it causes a substantial and material disruption of the educational environment.

## HOW IS THE ACADEMIA STUDENT CODE USED TO ADDRESS MY BEHAVIOR?

If you behave inappropriately or break the rules, a teacher, the school counselor, the school nurse or an administrator will send a note, called a Referral, to the Head of School through the Discipline System. The Head of School will ask you and other students and some school employees questions about what is written in the referral in order to decide whether you did break the rules and what rule you broke. If you break the rules, the Head of School will read La Academia's Student Code to decide the consequences to give because you broke the rules. If you or your parents do not think you broke the rules, then you or your parents can request a review of the decision through the grievance process described in La Academia Student Code and the *Parent Handbook*.

## STUDENT RIGHTS & RESPONSIBILITIES

Academia Antonia Alonso Board Members (the "Board") guarantee you the same rights and freedoms the United States Constitution, the Delaware Constitution, and several laws provide you. With the rights you have under the law, you have several responsibilities. Your rights and responsibilities are listed in this section of La Academia's Student Code of Conduct.

### ATTENDANCE

Under Delaware law, you have the **right** to receive a free public education. Your parents have chosen Academia Antonia Alonso for your education, and you have the **responsibility** to follow La Academia's attendance rules as presented in La Academia's Student Code.

### SCHOOL HOURS

Breakfast begins at 8:00am. The academic school day begins at 8:30 a.m. and ends at 3:45 p.m. The school doors open at 7:55 a.m. and you have the **responsibility** to be in school by 8:30 a.m. whether you ride the bus or are driven to school by your parents. We would ask that all children begin the day with their homerooms at 8:00am in the cafeteria.

### EXCUSED ABSENCE

Sometimes you may be absent from school. Your absence will be **excused** if you are absent because:

1. You are sick. We accept doctors' notes, or a limited number of notes written by your parents about your illness (no more than 7 notes will be accepted, at the discretion of the Principal).
2. You have an appointment to see your doctor, dentist, orthodontist, or other health care provider responsible for your healthcare.
3. Someone at your home is very sick in a way that could make other people sick through contact.
4. Someone in your family or a friend has died.
5. You have to go to Court or see a lawyer.
6. Your family is celebrating a religious holiday.
7. You regularly see your physician or therapist to take care of an ongoing health problem.

8. Your parents have arranged an educational experience pre-approved by the Head of School.
9. An emergency, as determined by the Head of School has occurred.
10. You violate La Academia Student Code and cannot come to school as a consequence.

Your parents have the **responsibility** to call the Front Office by 10:00 a.m. telling a school employee that you are absent on that day. When you return to school after an absence, you have the **responsibility** to bring a note, written and signed by a parent, to the Front Office telling the Head of School why you were absent. You have **three (3) school days** to turn your note into the Front Office after you come back to school. Your parents may choose to fax or e-mail the note to the Front Office. Your absence will be marked as **unexcused** until the note is delivered to the Front Office, and will remain **unexcused** if the note is not delivered on time. We accept a limited number of parent notes written in regards to miscellaneous excuses for absence. Acceptance of these notes as ‘excused’ will be left to the discretion of the Head of School.

You will be allowed to make up all work missed, to take tests that were missed, and to turn in any assignments that became due during the absence without penalty. The time allowed for taking tests or turning in assignments shall be equal to the number of school days or number of class meetings missed due to the absence. Your teacher may extend the time for making up work missed if circumstances of the situation merit such action. Excused absences for religious observances will not interfere with achieving perfect attendance.

## **ABSENCE**

Your absence from school is unexcused if:

1. You were absent from school for a reason not listed under **Excused Absence**; and/or
2. If La Academia does not receive the note written and signed by your parents informing why you were absent from school by the third school day of you coming back to school.

While an unexcused absence may result in a failing grade for all assignments or tests missed, you or your parents may ask your teacher to give you copies of the work and assignments that you missed. Your teacher will tell you how many days you have to request the schoolwork that you missed when you return to school. Additional consequences for unexcused absences are listed under the *Level I Violations* section of La Academia’s Student Code.

## **LATE TO CLASSROOM**

You have the **responsibility** to be in your classroom during the school day. The school will address you and/or your parents if you are late to class. Your teacher will decide if you have been late too many times and will report your lateness to the attendance secretary. The Head of School may talk with you and also your parents to determine what to do and how to help you get to class on time.

## **LATE TO SCHOOL/TARDY**

You have the **responsibility** to get to school on time. Students may enter the school building at 7:55 a.m. You are late to school (tardy) if you are not with your homeroom by 8:30 a.m. *If you are late, you must be escorted by your parent and sign in at the Front Office to obtain a late pass to enter class.* If you are late to school too many times, the Head of School must address the

matter with your parents. Three (3) tardy's, are counted as one (1) unexcused absence. If you do not attend at least half of the periods in the school day, you will be marked absent for the day.

### **EARLY /LATE ARRIVAL**

If you have an appointment that cannot be scheduled before or after school hours, your *parents have the **responsibility** to provide a written note for an early dismissal or late arrival to the Front Office at the beginning of the school day.* If you arrive after 8:30 a.m. you **MUST** be signed in at the Front Office by your parent. If you are leaving school early for an appointment, you must be picked up by a parent and signed out in the Front Office no later than 3:30 p.m. Parents are asked to avoid taking students out of school early unless absolutely necessary. Lost instructional time impacts student learning and success.

### **PRE-APPROVED ABSENCE**

A pre-approved absence from school is an absence for one or more days for an educational activity arranged by your parent(s), or other circumstances approved by the Head of School. Your parents must request pre-approval by providing the Head of School with a written explanation of specific reasons for the proposed absence at least one week prior to the date on which the absence is to occur. You, your teacher, and your parents will decide how you will complete the assignments you miss during the absence. A pre-approved absence is an excused absence.

### **DELAWARE MANDATORY ATTENDANCE REQUIREMENTS**

Under Delaware law, your parents have the **responsibility** to send you to school or to provide another type of education for you. If you accumulate three (3) unexcused absences from school, you are truant from school and your parents may have to meet with the Head of School and could eventually result in Truancy Court. Your parents have been provided with information about truancy and how it will be addressed by La Academia in this Code of Conduct.

### **BUS PRIVILEGES**

La Academia provides bus transportation for students who live more than one mile from La Academia campus. Inappropriate conduct on the bus creates a dangerous distraction to the driver and is insensitive to the rights of all individuals on the bus. You may have a **right** to be driven to and from school on a bus provided by La Academia. If you ride the bus, you have the **responsibility** to follow the rules listed in APPENDIX B of the Academia Student Code. You and your parent(s) should read these rules together. Consequences for inappropriate behavior on the bus are described in the Academia Student Code under *Level II Violations*.

### **COMPUTERS**

You will use computers frequently in your regular classrooms. You have the **right** to use a computer provided by La Academia to complete schoolwork at school. You have the **responsibility** to use the computer and all other Academia technology in an appropriate manner.

You may not:

- Use the Internet for any illegal purpose;

- Use profane, obscene, impolite or abusive language on the computer;
- Change computer files that are not in a folder you have placed documents with your name on it;
- Violate someone else's privacy;
- Share your password with anyone except adults at La Academia.

You and a parent must sign the *Academia Computer Acceptable Use Agreement* before you will be allowed to access the Internet or email on an Academia computer. Unacceptable use of the Internet or misuse of the computer will result in immediate revocation of access privileges.

## **CYBERBULLYING**

All students at La Academia have the **right** to feel safe at school, on the bus, or at a school event so that they can do their best at school. All Academia students have the **responsibility** to treat others with kindness and to report unkind acts to teachers or other adults at La Academia. **Cyber bullying** occurs if you commit an act of bullying using uninvited and unwelcome electronic communications that are directed at a specific Academia student or group of Academia students 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 that La Academia provides.

Academia administration will presume that you meant to engage in an act of cyber-bullying directed at a specific Academia student or a group of Academia students if you use any online medium to say mean things or create a false and/or negative impression about the student or group of students.

The consequences for being a cyber-bully are described in La Academia Student Code under *Level III Violations*.

## **EXPRESSION/FREE SPEECH/MEETINGS**

Your teachers will encourage you to express yourself using your spoken and written words, your art and the extra-curricular activities that you choose to participate in as long as such expression do not mock, demean, or ridicule other persons and groups; interfere with school activities; disrupt the classroom; or contain obscene, vulgar, inflammatory statements or is in any way detrimental to the welfare of other students.

You have the **right**:

- To respectfully express your own opinion about things in your community, home or school by your words or in writing.
- To meet on school property with other students in clubs created by students at a time and place designated by the Head of School (This right will be denied if it endangers the health or safety of others, damages property, or disrupts the activities of others.)

You have the **responsibility**:

- To act in a quiet, dignified manner during patriotic activities. Students also have the right to be excused from any patriotic act that is against their religious beliefs or deeply held personal convictions.
- To inform the Head of School in writing of activities/policies which are in conflict with their religious beliefs and request alternative accommodations. Your parent(s) or guardian may need to help you with this task.

Expression that does not follow these rules may be a violation of La Academia Student Code and will be addressed by your teacher or the Head of School.

## **OUT OF SCHOOL CRIMINAL CONDUCT**

The Academia Student Code applies to your out-of-school conduct if the Head of School believes that the behavior presents a threat to the health, safety or welfare of other students and Academia employees. If you are charged with a criminal offense by the police, you could be suspended from school, placed in an education alternative, and/or expelled from school. During the time you are waiting for the charges to be addressed and resolved by a Court of Law, you will receive educational instruction at home with a tutor. If you are found guilty of the criminal charges, the Head of School will decide whether a recommendation for expulsion will be presented to the Board.

## **PERSONAL PROPERTY/SEARCH & SEIZURE**

You have the **right** not to let anyone look through your book bag, backpack, lunch box, or other personal items you may bring to school unless the Head of School believes (has a reasonable suspicion) that you have brought an illegal item or an item that threatens safety and security of yourself and others in your personal property. If that happens, the Head of School may search you and your property and take the property away from you. Your cell phone is subject to a search if there is reasonable suspicion that it is being used in connection with a violation of the Academia Student Code. Items deemed to disrupt or interfere with the educational process may be temporarily taken from you and returned to a parent at the end of the school day. Your locker, desk, cubby, etc. belong to Academia and may be searched by the Head of School at any time. Only the Head of School, or his/her designee, may search your person or your possessions.

You have the **responsibility** not to bring anything to school without parental permission or that may be dangerous or distracting to you or other students. You and your parent(s) should check your personal belongings before you bring them to school so that you do not accidentally violate La Academia Student Code.

## **PROMOTION TO THE NEXT GRADE**

In order to be promoted into the next grade, you must:

1. Show expected academic growth in learning in Language Arts (English and Spanish), Math, and Expeditions (includes Science and Social Studies content);
2. Demonstrate marked improvement on all standardized testing as discussed with your teacher;
3. Have fewer than 12 total absences of excused absences and/or unexcused absences. Three (3) tardies; three (3) late arrivals; and three (3) early dismissals, or any combination therein, are counted as one (1) absence; and

4. Demonstrate positive character traits as shown on report card participation grades.

If you do not meet any one of the criteria above, you will be promoted only at the discretion of a team consisting of the Head of School, Director of Student Support and teachers. If you receive special education under Title 14 of the Delaware Code, Chapter 31, and the Individuals with Disabilities Education Act( the “IDEA”), or receiving services and/or protections under Section 504, your Individual Education Program (IEP) team or Section 504 team , along with the Head of School will make the decision whether to retain or promote you based upon the requirements specified above. Your parents have the right to appeal a decision about your class placement or promotion.

### **RESPECT FOR OTHERS / NO BULLYING or HARASSMENT**

One of the goals for you at La Academia is to foster human dignity and mutual respect in and for your peers. Making fun of, teasing one another, or saying mean things to another student because of the personal characteristics of that student is a form of harassment that is prohibited at Academia Antonia Alonso. Harassment can also be a form of unlawful discrimination or bullying not allowed at La Academia. No Academia student shall be subject to any type of harassment/bullying whether by fellow students or staff members. La Academia prohibits harassment based on race, color, religion, creed, national origin, sex (gender), sexual orientation or identity, or disability. All employees, students, parents, and anyone associated with La Academia has the **responsibility** for ensuring that La Academia is free from all forms harassment that may take place in connection with all academic, educational, extra-curricular, athletic, and other programs of the school. This includes programs or activities on our school premises, at another location such as a class field trip or any sponsored and approved Academia program or activity regardless of location.

You have the **right** to attend school in an environment free of harassment in which you and your family’s culture and values are respected. You have the **responsibility** to help create that environment for yourself and others by:

1. Showing respect for other people’s ideas, values, and heritage.
2. Treating others as you want to be treated.
3. Reporting to you teacher or the Head of School when you or someone you know has experienced harassment.
4. Resolving conflicts in an appropriate manner with the help of your teacher or the Head of School.

You can expect that a report of harassment will be investigated by an Academia administrative staff member. You may be asked questions regarding the reported harassment. If the report indicates that you are being harassed, or are harassing someone else, your parents will be contacted. The consequences for being a bully are described in the La Academia Student Code under *Level III Violations*.

### **STUDENT UNIFORM CODE**

Students at La Academia are required to wear school apparel that displays the Academia logo. You have the **responsibility** to practice good grooming techniques and health skills so the learning environment will not be disrupted. The Academia dress/uniform code is as follows:



school polo, beige khaki pants or skort and shoes that are closed in the back and do not have an open toe. All school shirts must have the school logo. Hats may not be worn inside of the school building. On days where you have dance class and physical education, students are to wear the Academia t-shirt and sweat pants that are part of the gym/dance uniform.

## **YOUR SCHOOL RECORDS/EDUCATION RECORDS**

Under the Family Education Records And Privacy Act (“FERPA”), and Title 14 of the Delaware Code, §4111 (“Section 4111”), Academia Antonia Alonso must maintain educational information about you in one CONFIDENTIAL file known as the Cumulative File. Some pieces of your Cumulative file may be maintained in appropriate departments (i.e. Medical information maintained in the Nurse’s office; Special Education records maintained in the Office of the Supervisor of Special Education), however, most of your file will be maintained in locked cabinet in the Front Office. Your parents have the right to review your Cumulative file, upon Academia’s receipt of a written request to review your records sent to the Head of School. However your education records **may not be disclosed to anyone else without your parents’ written consent** (including family members, attorneys, etc.) except as allowed by law. For example, your teachers may have the right to review your file for educational purposes.

Under both laws, La Academia is allowed to and **will disclose** your “directory information”, in its discretion without your parents’ consent. Directory information includes your: name, address, telephone number, date and place of birth, grade level, participation in officially recognized activities or sports, dates of attendance, degrees and awards received, the most recent and previous school(s) you attended, and photographs of you at school or school functions provided the photographs do not reveal information concerning academic placement. Your parents may refuse to permit the release of any or all directory information without consent by sending written notice to the Head of School by September 30 of each school year. Such written notice must be sent annually. Your request must be granted within 45 days of receipt. Other parental rights under FERPA are listed in the NOTICE OF RIGHTS under FERPA provided annually under Appendix C of La Academia Student Code.

## **BEHAVIORS THAT VIOLATE LA ACADEMIA STUDENT CODE OF CONDUCT/CONSEQUENCES**

The purpose of this section is to let you, your parent(s), school employees, and the community know:

1. What behaviors violate La Academia Student Code; and
2. What are the consequences if you violate La Academia’s Student Code.

The list of behaviors that are not appropriate in the School Environment (at school, at a school event, or on the school bus) are the type of behaviors that keep you and your classmates from learning and those that may make school unsafe for students and school employees. Under each behavior is a list of the consequences if you behave inappropriately in the School Environment. Some of the consequences may require your teacher or the Head of School to contact your parents. Some of the consequences listed are required by Delaware and/or federal law to be acted upon. Some *Level III*, and **all** *Level IV* violations of La Academia Student Code must be reported to the Police. In addition, **all** violations of La Academia Student Code must be reported to the Delaware Department of Education and become part of your education file.

## **LEVEL I VIOLATIONS**

Level I violations are usually addressed by your teacher, and could include consequences such as:

- Teacher Counseling
- Verbal Warning;
- Parent Contact or Parent Conference;
- Restitution or La Academia Community Service;
- Recess Reflection;
- Removal Class/Activity.
- Suspension

## **ACADEMIC DISHONESTY**

### **PLAGIARISM (S0141)**

Intentionally claiming or using someone else's work without acknowledging the source of the information.

First Violation	Teacher Counseling; Parent Contact
Second Violation	Verbal Warning; Parent Contact
Subsequent Violations	Parent Conference; Verbal Feedback; Recess Reflection until assignment is completed

### **CHEATING (S0321)**

1. Using or copying another student's test answers or class/homework assignment without your teacher's permission; or providing, without being forced or threatened, another student with test answers or class/homework assignments without your teacher's permission.
2. Using unauthorized electronic devices to calculate or create test answers or complete class/homework assignments.
3. Using unauthorized material to answer test questions or complete class/homework assignments.

First Violation	Teacher Counseling; Parent Contact
Second Violation	Verbal Warning; Parent Contact
Subsequent Violations	Parent Conference; Recess Reflection until assignment or test is made up

### **CLASS CUT (S0041)**

Students are expected to arrive at their classes on time and to remain in the class until the teacher dismisses class or provides a pass for the student to go to a specified place in the school. A student is considered to have cut a class any time the student is present in school but does not attend class. Any unexcused absence for more than ten minutes of a class may be considered a class cut.

**First Violation** Teacher Counseling, Parent Contact.

**Second Violation** Parent Conference, Recess reflection

**Subsequent Violations** Parent Conference; Academia Community Service; Recess Reflection

### **COMMUNICATION DEVICES-INAPPROPRIATE USE (S0311, S0312, S0313)**

**La Academia is not responsible for loss, theft, or damage to a student's communication device.**

Communication devices such as, but not limited to cellular phones, tablets, electronic beepers, and/or electronic signaling devices, may not be used in school during the official school day and must be turned off and stored out of sight. Text messaging while taking any test is prohibited. When riding on the bus outside of the official school day, students must turn off all sounds from any communications devices as these may be a distraction to the driver.

Cellular phones or other devices capable of transmitting an audio signal or electronic image may not be used on school premises or used to take pictures of persons or record their conversations without their prior approval.

**First Violation** Teacher Counseling

**Second Violation** Parent Contact; Confiscation of device by the teacher until the end of the day.

**Subsequent Violations** Parent Conference; Confiscation of device by the Head of School for the remainder of the school day; Suspension of privileges for up to three (3) school days; Academia Community Service or Recess Reflection for up to three (3) days based on the number of times of inappropriate use of a communication device

### **DISRUPTIVE BEHAVIOR (S0091)**

Language, gestures or actions that produce distractions, frictions or disturbances that interfere with effective functioning of the teacher, another student, a class, or any school activity.

**First Violation** Verbal Warning; Time out;

**Second Violation** Removal from class activity to their buddy teacher; Recess Reflection; Parent Contact; possible in-school suspension of 1 day.

**Subsequent Violations** Removal from class/activity; Recess Reflection; Parent Conference; Letter of Apology; possible suspensions of 1 to 3 days.

### **INAPPROPRIATE LANGUAGE/PROFANITY (S0301)**

Spoken or written words that are disrespectful, obscene or vulgar.

**First Violation** Verbal Warning

**Second Violation** Parent Contact; Recess Reflection; Academia Community Service.

**Subsequent Violations** Parent Conference; Removal from Class/Activity for the remainder of the Class/Activity; Recess Reflection; Letter of Apology; possible in-school suspension.

### **LOITERING (S0071)**

A student's unauthorized presence in any school area.

**First Violation** Verbal Warning

**Second Violation** Parent Contact; Recess Reflection

**Subsequent Violations** Parent Conference; Recess Reflection; Academia Community Service; Letter of Apology

### **STUDENT UNIFORM CODE VIOLATION (S0291)**

Students are required to adhere to the dress code that is outlined in the Academia Student Code and the Parent Handbook. When a student is in violation, he/she will be required to change into acceptable attire and the following consequences shall be carried out.

**Violation** Verbal Warning, Uniform Violation Letter Sent Home

**Second Violation** Parent Contact; Recess Reflection

**Subsequent Violations** Parent Conference; Recess Reflection.

### **UNAUTHORIZED USE OF A COMPUTER (S0181)**

Using an Academia computer without adult permission and/or proper supervision.

**First Violation** Verbal Warning

**Second Violation** Parent Contact; Recess Reflection

**Subsequent Violations** Parent Conference; Recess Reflection; Letter of Apology; Suspension of Computer privileges at the discretion of the Head of School

### **UNEXCUSED ABSENCE (REPORT IN THE ATTENDANCE SYSTEM)**

Absence from school without a valid excuse.

**First Unexcused Absence** - Parent Contact

**Three Unexcused Absences** – Parent Contact;

**Five Unexcused Absences** - Conference with Administration and Attendance Review Team;  
Contract

**Additional Unexcused Absences could lead to:** Referral to School Counselor, Referral to Visiting Teacher/Tuancy Officer; Affidavit of Probable Cause submitted to the Courts.

### **VIOLATION OF FOOD & DRINK POLICY (S0291)**

Student eating or drinking in an area that has not been designated for student eating and/or drinking. Carrying food and/or drink into classrooms or hallways.

**First Violation**            Verbal Warning

**Second Violation**        Parent Contact; Recess Reflection

**Subsequent Violations** Parent Conference; Recess Reflection; Academia Community Service

**Committing Level I violations five (5) times, cumulatively within a school year is a Level II Violation subject to Level II consequences.**

### **LEVEL II VIOLATIONS**

*Level II Violations* are usually addressed by the Head of School, and could include consequences such as:

- Conference/Counseling with the School Counselor
- Verbal or Written Reprimand;
- Parent Contact or Parent Conference;
- Restitution, Replacement of Damaged Property, or Academia Community Service;
- Recess Reflection;
- Removal from Class/Activity;
- Suspension from School/the Bus.
- Suspension from School

The Head of School will investigate all reports of a Level II Violation. A Suspension from school or the school bus can be up to ten (10) consecutive school days at the of the Head of School without Board approval.

### **BUS VIOLATION (S0171)**

Behavior which makes the bus ride unsafe or shows disrespect to the bus driver, bus aid, or other students, or repeated failure to follow the bus rules listed in Appendix B of the Academia Student Code.

**First Violation**            Verbal Warning; Parent Contact

**Second Violation** Parent Contact; Recess Reflection; possible Bus suspension for up to three (3) days

**Subsequent Violations** Parent Conference; Recess Reflection; Academia Community Service; and/or suspension for up to three (3) days.

**Optional** Suspension of Bus privileges for the remainder of the school year with Board approval

### **CARELESS or RECKLESS BEHAVIOR (S0107)**

- Unintentional behavior that threatens to or causes injury or property damage; or
- Intentional behavior that accidentally causes injury to another person or causes property damage.

**First Violation** Verbal Warning; Parent Contact; Possible suspension of 1 day;

**Second Violation** Parent Conference; Restitution/Replacement of damaged Academia property or Academia Community Service; Recess Reflection up to three (3) days; In-school suspension; Possible out of school suspension [1 day].

**Subsequent Violations** Parent Conference; Restitution/Replacement of damaged Academia property or Academia Community Service; Recess Reflection up to three (3) days; Letter of Apology; Suspension from school for up to five (5) days.

### **DELAWARE STATE SYSTEM OF ASSESSMENTS BEHAVIOR VIOLATION (S0321)**

1. Unauthorized use of electronic devices during the State Assessment (i.e. cellular phone, digital devices, tablets, iPods, electronic translators, electronic book readers, iPads and or notebooks).
2. Use of another student's identification number to log in to the Assessment System.
3. Removal of testing materials from the Assessment site.
4. Production of unauthorized copies of assessment content from the Assessment Website.

**First Violation** Report to Delaware Department of Education; Verbal Reprimand; Parent Contact

**Second Violation** Report to Delaware Department of Education; Verbal Reprimand; Parent Contact; Recess Reflection; Privilege restriction.

**Subsequent Violations** Recess Reflection; Report to Delaware Department of Education; Suspension for up to five (5) days at the discretion of the Head of School  
Parent Conference upon return to school

### **FORGERY (S0322)**

1. Creating a false document to be used for school purpose (i.e. school passes, parental note, altering grades on an assignment/test or on an evaluation report).
2. The willful act of imitating the signature of parents or teachers on documents to be provided to a school employee.

**First Violation** Verbal Reprimand; Parent Contact

**Second Violation** Written Reprimand; Parent Contact; Recess Reflection for up to three (3) days

**Subsequent Violations** Recess Reflection for up to five (5) days; Parent Conference; Behavior Contract

### **GAMBLING (S0241)**

Participation in games of chance, that are not an aspect of instruction or supervised by a teacher or Academia administrator, for money or other things of value.

**First Violation** Verbal Warning; Parent Contact

**Second Violation** Written Reprimand; Parent Contact; Recess Reflection; Academia Community Service

**Subsequent Violations** Recess Reflection for up to three (3) days; Restitution or Academia Community Service; Parent Conference; Behavior Contract; In-school suspension.

### **INAPPROPRIATE BEHAVIOR (S0101)**

Behavior creating distractions, friction, disturbances, or safety violations that seriously interfere with the effective functioning of the teacher, and/or other students within a class, the building or while on school property or at a school event.

**First Violation** Verbal Warning; Parent Contact; Letter of Apology; in-school suspension; possible out-of-school suspension of 1 day.

**Second Violation** Removal from Class/Activity; Parent Contact; Recess Reflection; In-school suspension; Possible out-of-school suspension of up to 3 days.

**Subsequent Violations** Recess Reflection for up to three (3) days; Parent Conference; Behavior Contract; Possible suspension for up to five (5) days.

### **INFLAMMATORY ACTIONS (S0105)**

Actions that may create or are intended to create a disturbance (S0102)

**First Violation** Verbal Warning; Parent Contact; Letter of Apology

**Second Violation** Removal from Class/Activity for remainder of Class/Activity  
Parent Contact; Restitution or Academia Community Service; Recess  
Reflection; In-school suspension of 1 day.

**Subsequent Violations** Recess Reflection for up to three (3) days; Academia Community  
Service; Parent Conference; Behavior Contract; In-school suspension; Possible out-of-school  
suspension of up to three (3) days.

### **LEAVING SCHOOL BUILDING/GROUNDS/EVENTS WITHOUT AUTHORIZATION (S0051, S0052)**

Leaving school property, assigned area or school event without permission from a staff member  
during the regular school day.

**First Violation** Verbal Warning; Parent Contact

**Second Violation** Removal from Class/Activity for remainder of Class/Activity;  
Parent Contact; Recess Reflection; Letter of Apology; in-school  
suspension [1 day].

**Subsequent Violations** Recess Reflection for up to three (3) days; Parent Conference; Behavior  
Contract; in-school suspension;

### **MAKING A FALSE ACCUSATION OF BULLYING (S0322)**

Intentionally accusing another student of bullying knowing that the accusation is false.

**First Violation** Verbal Warning; Parent Contact; Letter of Apology

**Second Violation** Verbal Reprimand; Parent Contact; Recess Reflection up to three (3)  
days; Letter of Apology

**Subsequent Violations** Recess Reflection for up to three (3) days; Letter of Apology; Referral  
for Counseling; Parent Conference; Behavior Contract; In-school  
suspensions of up to three (3) days.

### **MISUSE OF TECHNOLOGY (S0181)**

1 Using Academia technology equipment (including an Academia Computer) in:

- Soliciting, using, receiving or sending pornographic or obscene material; or
- Accessing unauthorized email; or
- The unauthorized downloading and/or installing of files; or
- Intentionally damaging an Academia Computer

2. A situation in which a student deliberately:



- Tamper with, damages, alters, accesses, crashes, or corrupts the Academia computer/communications system resulting in the loss or corruption of information or the ability of the system to operate; or
- Disrupts or degrades the Academia technology infrastructure

**First Violation** Verbal Warning; Parent Contact; Letter of Apology

**Second Violation** Removal from Class Activity for remainder of Class/Activity; Parent Contact; Recess Reflection; Letter of Apology; in-school suspension;

**Subsequent Violations** Recess Reflection for up to three (3) days; Parent Conference; Behavior Contract, Possible out-of-school suspension of up to three (3) days.

**OFFENSIVE TOUCHING (STUDENT [D0801]; EMPLOYEE [D0802])**

1. One person Intentionally touching another person either with a member of his or her body or with any instrument knowing that the person is thereby likely to cause offense or alarm to that other person; or
2. One person intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

**First Violation** Parent Contact; Letter of Apology; Meeting with School Counselor; and/or Possible out-of-school suspension of up to three (3) days.

**Second Violation** Parent Contact; Suspension of up to five (5) days; Letter of Apology

**Subsequent Violations** Suspension of up to five (5) days; Parent Conference; Behavior Contract

**POSSESSION OR USE TOBACCO OR TOBACCO RELATED MATERIALS (D1401)**

Displaying, using, possessing or transferring tobacco or materials that are used to smoke cigarettes at the school, on school grounds, at a school event, or on the school bus.

**First Violation** Confiscation of Product; Parent Conference

**Second Violation** Confiscation of Product; Parent Conference; Two (2) day Recess Reflection; and/or in-school suspension of up to three (3) days.

**Subsequent Violations** Confiscation of Product; Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract; out-of-school suspension of up to 3 days.

**POSSESSION OF A LOOK ALIKE WEAPON OR LOOK ALIKE DANGEROUS INSTRUMENT (S0131)**

Possessing a toy or look alike weapon or dangerous instrument at school in the School Environment without permission of a school employee

**First Violation** Verbal Warning; Parent Contact

**Second Violation** Parent Contact ; Two (2) day Recess Reflection; possible (1) day of suspension.

**Subsequent Violations** Up to three (3) days of Suspension [in-school or out-of-school]; Parent Conference upon returning to school; Behavior Contract

**POSSESSION OR PRODUCTION OF PORNOGRAPHY (D0101)**

Possessing, sharing, or the production of any known obscene material in the School Environment.

**First Violation** Verbal Reprimand; Parent Contact; Letter of Apology; Possible suspension of up to one (1) day.

**Second Violation** Parent Contact; Meeting with School Counselor; Recess Reflection; Letter of Apology; and in-school suspension.

**Subsequent Violations** Suspension of up to five (5) days; Parent Conference upon returning to school; Behavior Contract; possible out-of-school suspension.

**REPRISAL OR RETALIATION FOR MAKING A REPORT OF BULLYING (S0322)**

Act of reprisal or retaliation, or causing a third party or third parties to retaliate against a victim, witness or person who reports an allegation of bullying whether or not the allegation was substantiated and/or the alleged bully disciplined.

**First Violation** Verbal Warning; Parent Contact; Letter of Apology; in-school suspension.

**Second Violation** Parent Contact; Academia Community Service; Recess Reflection; Letter of Apology; and/or out-of-school suspension of up to three (3) days.

**Subsequent Violations** Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract

**STEALING, POSSESSING OR TRANSFERRING STOLEN GOODS (S0111)**

Taking, exercising control over, or obtaining the property of another person intending to deprive that person of it or appropriate it.

**First Violation** Verbal Warning; Parent Contact; Letter of Apology; possible in-school suspension.

**Second Violation** Parent Contact; Recess Reflection; Meeting with School Counselor; in-school suspension or out-of-school suspension of up to three (3) days.

**Subsequent Violations** Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract

### **TRESPASSING (S0271)**

Being on school property or the school bus without permission from the school.

Suspension for up to three (3) days  
Parent Conference upon returning to AAA Behavior Contract

**First Violation** Verbal Warning; Parent Contact; Letter of Apology

**Second Violation** Parent Contact; Academia Community Service; Recess Reflection  
Letter of Apology; in-school suspension.

**Subsequent Violations** Suspension for up to three (3) days; Parent Conference upon returning to school; Behavior Contract

**Committing Level II violations five (5) times, cumulatively, within a school year is a Level III Violation subject to Level III consequences including possible placement in an Educational Alternative.**

### **LEVEL III VIOLATIONS**

*Level III Violations* are usually addressed by the Head of School, and could include consequences such as:

- Conference/Counseling with the Head of School or School Counselor
- Verbal or Written Reprimand;
- Parent Contact or Parent Conference;
- Restitution, Replacement Of Damaged Property, or Academia Community Service;
- Recess Reflection;
- Removal From Class/Activity;
- Suspension From School/the Bus.
- Referral for Alternative Educational Placement

### **ASSAULT III OF A STUDENT (C0201)**

- Intentionally or recklessly causing physical injury to another student; or
- With criminal negligence, causing physical injury to another student by means of a Deadly Weapon of Dangerous Instrument.

**First Violation** Parent Contact; Counseling; Recess Reflection; Letter of Apology; and/or suspension of up to three (3) days.

**Second Violation** Parent Conference; Counseling; Recess Reflection for up to three (3) days; Letter of Apology; and/or suspension of up to five (5) days.

**Subsequent Violations** Suspension for up to five (5) days; Parent Conference upon return to school; Behavior Contract

**OPTION:** Recommendation for Alternative Educational Placement

### **BULLYING (D0701)**

Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer, or school employee that a reasonable person under the circumstances should know will have the effect of:

- 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.
- 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.
- Interfering with a student having a safe educational environment that is necessary to facilitate educational performance, opportunities, or benefits; or
- 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.

### **IF THE ACT OF BULLYING DOES NOT CAUSE PHYSICAL INJURY AND/OR IS NOT SEXUAL IN NATURE**

**First Violation** Parent Contact; Referral for Counseling; Recess Reflection; Letter of Apology

**Second Violation** Parent Conference; Counseling; Academia Community Service; Recess Reflection for up to three (3) days; Letter of Apology; in-school suspension and/or suspension of up to three (3) days.

**Subsequent Violations** Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract

**OPTION:** Recommendation for Alternative Educational Placement

### **IF THE ACT OF BULLYING CAUSES PHYSICAL INJURY AND/OR IS SEXUAL IN NATURE**

**First Violation** Written Reprimand; Parent Conference; Referral for Counseling; Suspension for up to three (3) days; Behavior Contract; Assignment to Anti-Bullying Program used by Academia; and/or suspension of up to five (5) days.

**Second Violation** Parent Conference; Academia Community Services; Letter of Apology  
Suspension for up to ten (10) days; Referral to the Police and/or the  
Court for legal action; Recommendation for Expulsion

**OPTION:** Recommendation for Alternative Educational Placement

**CYBER BULLYING (D0701)**

The Use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which:

- A.** Interferes with a student's physical well-being; or
- B.** Is threatening or intimidating; or
- C.** 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 program at La Academia

**IF THE ACT OF CYBERBULLYING DOES NOT CAUSE PHYSICAL INJURY AND/OR IS NOT SEXUAL IN NATURE**

**First Violation** Parent Contact; Verbal Reprimand; Letter of Apology; Referral for Counseling

**Second Violation** Parent Conference; Academia Community Services; Letter of Apology; Recess Reflection for up to three (3) days; Assignment to an Anti-Bullying Program approved by Academia; in-school suspension and/or out-of-school suspension of up to three (3) days.

**Subsequent Violations** Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract

**OPTION:** Recommendation for Alternative Educational Placement

**IF THE ACT OF CYBERBULLYING CAUSES PHYSICAL INJURY AND/OR IS NOT SEXUAL IN NATURE**

**First Violation** Written Reprimand; Parent Conference; Referral for Counseling; Suspension for up to three (3) school days; Behavioral Contract upon return to school; Assignment to Anti-Bullying Program approved by La Academia

**Second Violation** Parent Conference; Restitution or Academia Community Service; Suspension for up to Ten (10) school days; Referral to the Police and/or the Court for legal action; Recommendation for Expulsion

**DEFIANCE OF SCHOOL AUTHORITY (S0081)**

Verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel; or refusal to identify oneself at the request of school personnel.; and/or refusal to comply with a disciplinary action; or

Verbal or non-verbal display of disrespect and/or uncivil behavior towards school personnel which either causes a substantial disruption or material interference with school activities.

**First Violation** Removal from class/activity for the day; Parent Contact; Verbal or Letter of Apology

**Second Violation** Removal from Class/Activity for the day; Recess Reflection; Parent Conference; Letter of Apology; Meeting with School Counselor; in-school suspension of up to 2 days.

**Subsequent Violations** In-school or out-of-school suspension for up to three (3) Days; Parent conference upon return to school; Behavior Contract

**OPTION:** Recommendation for Alternative Educational Placement

#### **EXTORTION (C0141)**

Obtaining or attempting to obtain money, goods, services, or information from another by force or threat of force

**First Violation** Verbal Reprimand; Parent contact; Letter of Apology; Restitution or Restoration of Property; possible in-school suspension.

**Second Violation** Parent Conference with Head of School; Letter of Apology; Restitution or Restoration of Property; Recess Reflection; in-school suspension or possible out-of-school suspension.

**Subsequent Violations** Referral to Police and/or the Court for legal action; Suspension for up to three days; Parent Conference upon return to school; Behavior Contract

**Option** Recommendation for Alternative Educational Placement

#### **FIGHTING (D1101)**

Any aggressive, physical altercation between two or more individuals.

*Referral to a Police Agency is required for a student who seriously injures a school employee who is attempting break up a fight or who is attempting to keep a student from injuring him/herself or others.*

**First Violation** Conference with Head of School; Parent Contact; Letter of Apology; Restitution or Restoration of Property, in-school suspension and/or possible suspension of up to five (5) days.

**Second Violation** Parent Contact; Verbal Reprimand; Letter of Apology; Restitution or Restoration of Property; Recess Reflection, in-school suspension for up to 3 days or possible out-of-school suspension for up to five (5) days.

**Subsequent Violations** Referral to Police and/or the Court for legal action; Suspension for up to ten (10) days; Parent Conference upon return to school; Behavioral Contract

**OPTION:** Recommendation for Alternative Educational Placement

### **HARASSMENT (S0103, S0104; S0106)**

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

**First Violation** Conference with Head of School; Parent Contact; Letter of Apology

**Second Violation** Parent Conference; Letter of Apology; Recess Reflection; Referral to Counseling; in-school suspension of up to three (3) days.

**Subsequent Violations** Out-of-school suspension for up to three (3) Days; Parent Conference upon return to school; Behavioral Contract

**OPTION:** Recommendation for Alternative Educational Placement

### **INAPPROPRIATE USE OR POSSESSION OF MEDICATIONS (D1601)**

Possessing or using Nonprescription Medication of Prescription Drugs in the School Environment in violation of 14 DE Admin. Code 612.

**First Violation** Parent Contact; Suspension for up to ten (10) school days;  
*Student must complete a Drug & Alcohol Evaluation at his/her expense and follow recommendations, if any, for treatment prior to returning to school. The Student's suspension from school will continue until the evaluation is completed.*  
Parent Conference upon return to La Academia; Academia Community Service; Referral to Police and/or Court for legal action

**Second Violation** Parent Contact; Suspension for up to ten (10) school days;  
*Student must complete a Drug & Alcohol Evaluation at his/her expense and follow recommendations, if any, for treatment prior to returning to school. The Student's suspension from school will continue until the evaluation is completed.* Referral to Police and/or Court for legal action; Recommendation for Alternative Educational Placement; Parent Conference upon return to La Academia; Behavior Contract

**Subsequent Violations** Parent Conference; Suspension for up to ten (10) school days and extended by Head of School pending determination of an Expulsion Hearing; Referral to Police and/or Court for legal action; Recommendation for Expulsion

### **INHALANT ABUSE (D2101)**

Chemical vapors that are inhaled for their mind-altering effect. *Students who are under the influence of an inhalant at school, at a school event, or on the school bus will be subject to the same consequences as those students using the inhalant at school, at a school event, or on the school bus.*

**First Violation** Parent Contact; Suspension for up to ten (10) school days  
*Student must complete a Drug & Alcohol Evaluation at his/her expense and follow recommendations, if any, for treatment prior to returning to school. The Student's suspension from school will continue until the evaluation is completed.*; Parent Conference upon return to La Academia; Academia Community Service; Referral to Police and/or Court for legal action

**Second Violation** Parent Contact; Suspension for up to ten (10) school days;  
*Student must complete a Drug & Alcohol Evaluation at his/her expense and follow recommendations, if any, for treatment prior to returning to school. The Student's suspension from school will continue until the evaluation is completed;* Referral to Police and/or Court for legal action; Recommendation for Alternative Educational Placement; Parent Conference upon return to La Academia; Behavior Contract

**Subsequent Violation** Parent Conference; Suspension for up to ten (10) school days and extended by Head of School pending determination of an Expulsion Hearing; Referral to Police and/or Court for legal action; Recommendation for Expulsion

### **VANDALISM (D0301)**

1. Intentionally or recklessly damaging the tangible [personal] property of another person or of the school.
2. Tampering with the tangible [personal] property of another so as to endanger the person or the property.

**First Violation** Parent Contact; Letter of Apology; Replacement

**Second Violation** Parent Contact; Letter of Apology; Recess Reflection; Restitution or Replacement of damaged property; Academia Community Service; in-school suspension of up to 3 days; and/or suspension of up to three (3) days.

**Subsequent Violations** Letter of Apology; Restitution or Replacement of damaged property; Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract



## **REPEATED VIOLATIONS OF THE ACADEMIA STUDENT CODE (S0331)**

Five (5) or more violations of the Academia Student Code in one school year, excluding chronic infractions for tardiness or unexcused absences to school or class.

**Consequence** Parent Conference; Suspension for up to ten (10) school days; Recommendation for Alternative Educational Placement

## **SEXUAL MISCONDUCT (S0101)**

Consensual sexual acts between students in the School Environment.

**First Violation** Conference with Head of School; Parent Contact; in-school suspension of up to 3 days; possible out-of-school suspension of up to 3 days.

**Second Violation** Parent Contact; Recess Reflection; Out-of-school suspension of up to five (5) days.

**Subsequent Violations** Suspension for up to five (5) days; Parent Conference upon returning to school; Behavior Contract

## **SEXUAL OFFENSES I—MISDEMEANOR OFFENSE**

The commission by a student of an offense prohibited by 11 *Del.C.* §§ 763 through 780, inclusive; or 11 *Del.C.* §§ 1108 through 1112A, inclusive; or 11 *Del.C.* §§ 1352(2) or 1353. The following behaviors from the statutes listed herein will be considered a *Level III* violation of the Academia Student Code:

- 11 *Del.C.* § 763—Sexual Harassment (D1001)
- 11 *Del.C.* §§ 764, 765—Indecent Exposure (S0331)
- 11 *Del.C.* § 767—Unlawful Sexual Contact III (Students under the age of 12—D1801/D1802:
- Elements and definitions of these Offenses appear in APPENDIX G. It is also a violation of the Academia Student Code to attempt to commit any of the acts listed above.

## **CONSEQUENCES FOR SEXUAL HARASSMENT**

**First Violation** Conference with Head of School; Parent Contact; Recess Reflection; Letter of Apology; and/or suspension for up to three (3) days;

**Second Violation** Letter of Apology; Recess Reflection for up to three (3) days; Parent Conference; Behavior Contract; and/or suspension for up to three (3) days.

**Subsequent Violations** Letter of Apology; Suspension for up to five (5) days; Referral for Counseling; Parent Conference; Recommendation for Alternative Educational Placement

Optional: Recommendation for expulsion.

## **CONSEQUENCES FOR INDECENT EXPOSURE OR UNLAWFUL SEXUAL CONTACT**

**First Violation** Suspension for up to five (5) school days; Referral to Police and/or Court for legal action; Referral to Social Service Agency or for Counseling; Recommendation for Alternative Educational Placement; Parent Conference upon return to school; Behavior Contract

**Second Violation** Suspension for up to ten (10) school days; Referral to Police and/or Court for legal action; Recommendation for Expulsion

## **TERRORISTIC THREATENING (D0901 (STUDENT ON STUDENT), D2001 (STUDENT AGAINST SCHOOL EMPLOYEE))**

1. A threat to commit a crime likely to result in death or serious injury to person or property; or
2. Committing an act with the intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury

**First Violation** Conference with Head of School; Parent Contact; Risk Assessment; Academia Community Service; Letter of Apology; possible in-school or out-of-school suspension for up to five (5) days.

**Second Violation** Parent Contact; Risk Assessment; Recess Reflection; Academia Community Service; Letter of Apology; possible suspension for up to five (5) days [in or out].

**Subsequent Violation** Letter of Apology; Suspension for up to five (5) days; Referral to Social Service Agency or for Counseling; Parent Conference  
Alternative Educational Placement

## **TERRORISTIC THREATENING—SECURITY THREAT (C0501)**

A person makes a false statement or statements knowing:

1. That the statement or statements are likely to cause an evacuation of the School Environment; or
2. That the statement or statements are likely to cause serious inconvenience in the School Environment; or
3. In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.

**First Violation** Conference with Head of School; Parent Contact; Risk Assessment; Academia Community Service; Letter of Apology; possible suspension [in-school or out-of-school] for up to five (5) days.

**Second Violation** Parent Contact; Risk Assessment; Recess Reflection; Academia Community Service; Letter of Apology; possible suspension for up to five (5) days.

**Subsequent Violations** Letter of Apology; Suspension for up to five (5) days; Referral to Social Service Agency or for Counseling; Parent Conference; Recommendation for Alternative Educational Placement

**USE OR POSSESSION OF A DRUG, ALCOHOL, AND/OR DRUG PARAPHERNALIA (C0701 – C0713, D0501, D1201, D1301)**

In the School Environment, a student possesses, uses Alcohol, a Drug, or Drug Paraphernalia, or is under the influence of Alcohol or a Drug or any substance or paraphernalia with the definition of substances or paraphernalia (See Glossary).

**Note:** If an investigation by school administration concludes that a student *inadvertently or accidentally* possessed alcohol or illegal drugs on school property and who immediately upon becoming aware that they were in possession had turned such item over to a teacher or building administrator, then the principal shall determine whether the students shall be disciplined up to and including a recommendation for expulsion.

**First Violation** Parent Contact Suspension for up to ten (10) school days;  
*Student must complete a Drug & Alcohol Evaluation at his/her expense and follow recommendations, if any, for treatment prior to returning to school. The Student's suspension from school will continue until the evaluation is completed.*  
Parent Conference upon return to La Academia;  
Academia Community Service; Referral to Police and/or Court for legal action

**Second Violation** Parent Contact; Suspension for up to ten (10) school days  
*Student must complete a Drug & Alcohol Evaluation at his/her expense and follow recommendations, if any, for treatment prior to returning to school. The Student's suspension from school will continue until the evaluation is completed;* Referral to Police and/or Court for legal action;  
Recommendation for Alternative Educational Placement;  
Parent Conference upon return to La Academia; Behavior Contract

**Subsequent Violation** Parent Conference; Suspension for up to ten (10), school days and extended by Head of School pending determination of an Expulsion Hearing; Referral to Police and/or Court for legal action;  
Recommendation for Expulsion

**LEVEL IV VIOLATIONS**

*Level IV Violations* are usually addressed by the Head of School and may **require** these consequences for the first violation:

1. Parent Contact or Parent Conference;
2. Referral to Police Agency and, if necessary to the Courts
3. Referral for Expulsion with or without Alternative Educational Placement.

Under some circumstances the Head of School can recommend alternative consequences as listed under the violation. Students who are expelled from La Academia will not be invited to return to Academia for the following school year without a hearing and written approval from the Board.

### **ARSON (C0133, C0134)**

Recklessly or intentionally damaging the school by intentionally starting a fire or causing an explosion.

**First Violation :** Suspension for up to five (5) school days; Referral to Police and/or Court for legal action; Report to the State Fire Marshal; Parent Conference; Replacement of damaged property; Referral to Social Service Agency; Recommendation for Alternative Educational Placement

**Subsequent Violation** Suspension for up to five (5) school days, with extension by Head of School pending Expulsion Hearing; Referral to Police and/or Court for legal action; Report to the State Fire Marshal; Parent Conference Replacement of damaged property Referral to Social Service Agency; Recommendation for Expulsion

### **ASSAULT III OF A SCHOOL EMPLOYEE OR VOLUNTEER (C0201)**

1. Intentionally or recklessly causing physical injury to a school employee or volunteer; or
2. With criminal negligence, causing physical injury to a school employee or school volunteer by means of a Deadly Weapon of Dangerous Instrument.

**First Violation:** Counseling; Suspension for up to five (5) school days; Letter of Apology Parent Conference upon returning to Academia; Behavior Contract

**Second Violation:** Suspension for up to ten (10) school days; Referral to Police and/or the Court for legal action; Parent Conference Recommendation For Expulsion or Alternative Educational Placement

### **ASSAULT II OF A SCHOOL EMPLOYEE OR VOLUNTEER (C0106)**

1. Intentionally or recklessly causing serious physical injury to a school employee or volunteer; or
2. With criminal negligence, causing serious physical injury to a school employee or school volunteer by means of a Deadly Weapon of Dangerous Instrument.

**First Violation:** Counseling; Suspension for up to five (5) school days; Letter of Apology Parent Conference upon returning to Academia; Behavioral Contract

**Second Violation:** Suspension For Up To Ten (10) School Days; Referral to Police and/or the Court for legal action; Parent Conference; Recommendation For Expulsion

## **ASSAULT II OF A STUDENT (C0106)**

1. Intentionally or recklessly causing serious physical injury to another student; or
2. With criminal negligence, causing serious physical injury with another student by means of a Deadly Weapon of Dangerous Instrument.

**First Violation:** Counseling; Suspension for up to five (5) school days; Letter of Apology Parent Conference upon returning to Academia; Behavior Contract

**Second Violation:** Parent Conference; Suspension for ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing; Referral to Police and/or the Court for legal action; Recommendation For Expulsion

## **DISTRIBUTION OF DRUGS, ALCOHOL AND/OR DRUG PARAPHERNALIA (REPORTING CODE NUMBERS)**

Sale, transfer or distribution in school, on a school field trip, at a school event, or on the school bus, of Drugs or Alcohol.

*Note: The possession of a quantity of alcohol, a drug, a drug-like substance, look-alike substance and/or drug paraphernalia in an amount which exceeds that typical for personal use will be treated as evidence of the students intent to deliver Drugs or Alcohol.*

**First Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Referral to a Social Service Agency or Counseling; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing Recommendation for Expulsion

## **GUN FREE SCHOOLS ACT VIOLATION (C0618)**

Possession of a firearm at any time at school, at a school event, or on the school bus.

**First Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing; Recommendation for Expulsion

*The Head of School may modify such expulsion requirement to the extent a modification is required by Federal or State law. This provision is in compliance with the Federal Gun Free School Act of 1994. Section 7151 of Title 20, United States Code Annotated, and the Possession of a Weapon in a Safe School and Recreation Zone, Section 1457 of Title 11, Delaware Code.*

## **OUT-OF-SCHOOL CONDUCT-ATTORNEY GENERAL REPORT (S0101)**

A report from the Department of Justice of out-of-school criminal conduct, regardless of jurisdiction (County, State, or Commonwealth), which shows disregard for the health, safety or welfare of others, including, but not limited to, acts of violence, weapons offenses, and Drug offenses.

**Action upon receiving report:** Student will be placed on homebound instruction until disposition charges. If the student is convicted of the charges, the Head of School may make a decision to recommend Alternative Educational Placement or Expulsion.

### **POSSESSION OF A DANGEROUS INSTRUMENT AT SCHOOL (SEE OFFENSE CODES FOR TYPE OF DANGEROUS INSTRUMENTS)**

#### ***(Possession of a Weapon In A Safe School or Recreation Zone; 11 Del.C. § 4157)***

Unauthorized possession, concealment, or sale at school, at a school event, or on the school bus of any instrument, article, or substance, which is readily capable of causing serious physical injury.

**First Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing; Recommendation for Expulsion

*The Head of School may modify such expulsion requirement to the extent a modification is required by Federal or State law. This provision is in compliance with the Federal Gun Free School Act of 1994, Section 7151 of Title 20, United States Code Annotated, and the Possession of a Weapon in a Safe School and Recreation Zone, Section 1457 of Title 11, Delaware Code. If after an investigation the Head of School concludes that a student has inadvertently or accidentally possessed a weapon on school property and who immediately, upon becoming aware that they were in possession has turned such item(s) over to a teacher or other building administrator, then the Head of School shall determine whether the student will be disciplined under the Academia Student Code as a Level II Violation.*

### **POSSESSION OF A DEADLY WEAPON AT SCHOOL (SEE OFFENSE CODES FOR TYPE OF WEAPON)**

Possession, concealment, or sale of a Deadly Weapon (not including a firearm (See “Gun Free Schools Act Violation)) at school, at a school event, or on a school bus.

**First Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing; Recommendation for Expulsion for one year from the date of the incident

*The Head of School may modify such expulsion requirement to the extent a modification is required by Federal or State law. This provision is in compliance with the Federal Gun Free School Act of 1994, Section 7151 of Title 20, United States Code Annotated, and the Possession of a Weapon in a Safe School and Recreation Zone, Section 1457 of Title 11, Delaware Code. If after an investigation the Head of School concludes that a student has inadvertently or accidentally possessed a weapon on school property and who immediately, upon*

*becoming aware that they were in possession has turned such item(s) over to a teacher or other building administrator, then the Head of School shall determine whether the student will be disciplined under the Academia Student Code.*

**RECKLESS BURNING (C0133)**

Intentionally or recklessly starting a fire or causing an explosion and recklessly places the school, or other school property or the school bus in danger of destruction or damage or places another person in danger of physical injury.

**First Violation** Suspension for up to five (5) school days;  
Referral to Police and/or Court for legal action;  
Report to the State Fire Marshal;  
Parent Conference;  
Replacement of damaged property;  
Referral to Social Service Agency;  
Recommendation for Alternative Educational Placement

**Subsequent Violation** Suspension for up to five (5) school days, with extension by Head of School pending Expulsion Hearing; Referral to Police and/or Court for legal action; Report to the State Fire Marshal; Parent Conference  
Replacement of damaged property Referral to Social Service Agency  
Recommendation for Expulsion

**ROBBERY (C0137, C0138)**

In the course of committing a theft, the person uses or threatens the immediate use of force, (without a weapon or dangerous instrument) upon another person with the intent to:

- Prevent or overcome resistance to the taking of the property or to the retention thereof immediately after the taking; or
- Compel the owner of the property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft.

**IF NO WEAPON/DANGEROUS INSTRUMENT IS USED AND/OR NO INJURY OCCURS**

**First Violation** Suspension for up to five (5) school days; Referral to Police and/or the Court for legal action; Recommendation for Educational Alternative Placement; Parent Conference upon return to La Academia;  
Behavior Contract

**Second Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing;  
Recommendation for Expulsion

**IF WEAPON/DANGEROUS INSTRUMENT IS USED AND/OR INJURY OCCURS**

**First Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing; Recommendation for Expulsion for one year from the date of the incident

## **SEXUAL OFFENSES II—FELONY OFFENSES**

The commission by a student of an offense prohibited by 11 *Del.C.* §§ 763 through 780, inclusive; or 11 *Del.C.* §§ 1108 through 1112A, inclusive; or 11 *Del.C.* §§ 1352(2) or 1353. The following behaviors from the statutes listed will be considered a *Level IV* violation of the Academia Student Code

□ 11 *Del.C.* §§ 770-773—Rape (**C0122; C0123; C0124; C0125**)

Elements and definitions of these Offenses appear in APPENDIX G. It is also a violation of the Academia Code to attempt to commit any of the acts listed above. Although not a violation of the Academia Student Code, any felony offense appearing in the list above occurring in the School Environment shall be immediately reported to the local Police Agency.

**First Violation:** Parent Conference; Referral to Police and/or the Court for legal action; Suspension for Ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing; Recommendation for Expulsion

## **VIOLATION OF BEHAVIOR CONTRACT (S0103)**

Failure of a student to comply with the provisions of any behavior contract between the student, his/her parent, and the school.

**Consequence** Parent Conference; Suspension for ten (10) school days, extended by the Head of School pending the outcome of an Expulsion Hearing  
Recommendation for Expulsion or Alternative Educational Placement

## **DISCIPLINARY & DUE PROCESS PROCEDURES**

### **GRIEVANCES**

A grievance is another name for a complaint. A grievance may involve the treatment of a student or relate to the treatment of a group of students. Parents may file a grievance following the procedures below when they believe that (1) their child has been treated unfairly; (2) the treatment violated the Student Code of Conduct or other Board policies; or (3) their or their students' rights under the Americans with Disabilities Act ("the ADA"), the Family Education Records And Privacy Act ("FERPA"); and Section 504 of the Rehabilitation Act of 1973 ("Section 504").



## **WHEN A SUSPENSION HAS NOT OCCURRED**

When a student or the student's parents believe that the student has been treated unfairly, or that La Academia violated Board Policy, and the consequence did not include suspension from school, the following procedures will apply:

1. Within ten (10) school days of the date of the alleged unfair treatment, the grievant shall request a conference with the teacher or person(s) who allegedly treated the student unfairly.
2. If the conference does not resolve the complaint, the grievant may talk with any of the following: school counselor or a home/school liaison about resolving the complaint.
3. If the conferences fail to resolve the complaint, the grievant may file a written grievance with the Head of School, specifying the nature of the complaint.
4. The grievant shall, upon request, be given a written statement by the Head of School stating the reason(s) for the school counselor or home/school liaisons' decision, no later than (5) school days following the request.
5. The grievant wishing to appeal the school counselor or home liaison decision must file a written appeal with the Head of School, no later than ten (10) school days from the date of the written decision.
6. The Head of School shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the written request for appeal and shall render a decision in writing no later than five (5) school days after the grievance conference.
7. The decision of the Head of school shall be final.

## **When A Suspension Of Ten (10) Consecutive School Days Or Less Has Occurred**

1. When a student or the student's parent(s) believe that the student has been treated unfairly and the believed unfair treatment included a suspension from school for up to ten (10) consecutive school days:
2. Within one (1) school day of being notified of the suspension, the grievant must request a conference with the staff or administrator that suspended the student. The conference must be held within two (2) school days following the request for a conference.
3. If the conference fails to resolve the complaint to the grievant's satisfaction, the grievant may file a written grievance with the Head of School, specifying the nature of the complaint.
4. The grievant shall, upon request, be given a written statement by the Head of School stating the reason(s) for the decision no later than five (5) school days following the request.
5. The grievant wishing to appeal the Head of School's decision must file a written appeal with Head of School no later than ten (10) school days from the date of the written decision.
6. The Head of School shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the written request for appeal and shall render a decision, in writing, no later than five (5) school days after the grievance conference.
  1. Students shall remain in school pending the final determination on the complaint. This "stay- put" provision does not apply:
  2. If the suspension is for less than three (3) consecutive school days;
  3. If the student is being suspended as a first step in the process for an expulsion or a suspension for more than ten (10) consecutive school days;

4. If the student has been charged with a criminal offense for an act committed outside of school;
5. If the Head of School determines the act allegedly committed by the student is a threat to the health, safety, or welfare of other students or staff in the building.

## **SUSPENSION OF BUS PRIVILEGES**

A violation of any school rule contained in the Student Code of Student occurring on a school bus, or a violation of the bus rules in Appendix B may result in the suspension of bus privileges as well as other appropriate consequences.

Suspension of bus privileges will normally be for a period of not more than ten (10) consecutive school days for any one incident. Suspension of bus privileges for longer than ten (10) school days, up to and including suspension of school bus privileges for the remainder of the school year, may be requested by the Bus Company for repeated misbehavior or serious individual acts injuring or endangering the safety of another. Such a request is subject to Board approval following a hearing.

Prior to a bus suspension, students will:

- Be given oral or written notification of an alleged violation; and.
- Be given an opportunity to respond to the allegation.

Every effort shall be made to notify parents by telephone of the suspension of bus privileges. During the suspension of bus privileges, it shall be the parents' responsibility to provide the student 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

## **SUSPENSION FROM SCHOOL FOR UP TO TEN (10) CONSECUTIVE SCHOOL DAYS**

The Head of School may suspend a student for up to ten (10) consecutive school days without the approval of the Board, subject to those provisions of law regarding students who receive special education services under the IDEA or Section 504 of the Rehabilitation Act.

Prior to suspending a student from school for up to ten (10) consecutive school days, a school administrator, receiving a referral from a teacher or other school employee for an alleged violation of the Academia Code, will conduct an investigation. The investigation will include interviews with the students, teachers, other appropriate school employee witnesses, and potential student witnesses. The student will meet with that administrator and be given oral or written notice of the alleged violation of the Academia Code and provided with an opportunity to respond to the allegation. The interview process for all witnesses may include getting a written statement from the witness, including the accused student. Students have a right to refuse to provide a statement. The administrator will make a decision based upon a preponderance of the evidence gathered during the investigation.

Generally, the notice and opportunity to respond to the allegation should precede the student's removal from school. However, if this is not feasible, or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, or the integrity of the educational process, the necessary notice and opportunity to respond to the allegation will follow

as soon as possible thereafter. In all events, an attempt shall be made to notify the parents by telephone to request that the suspended student be picked up from school. Students whose parents cannot be reached by telephone will remain in the Front Office until the end of the school day. Parents will be provided with written notification of the reason and duration of the suspension, and of their right to file a grievance.

In the case of students with disabilities (under the IDEA or Section 504) all of the above procedures do apply with additional considerations as follows:

A suspension from school for more than ten (10) total school days in a school year, either consecutively or cumulatively, is considered a change of placement if the conduct leading to the suspension is related to the student's disability. The student's IEP Team (for students receiving services under the IDEA) or a 504 team (for students receiving services or entitled to protection under Section 504) will determine the relationship between the conduct and the student's disability prior to suspending the student from school beyond the school day.

If **any** student commits a violation of the Academia Code requiring more than a ten (10) day suspension, then the procedures specified under the EXPULSION section shall be followed.

#### **ASSIGNMENT TO EDUCATIONAL ALTERNATIVE EXPULSION HAS OCCURRED**

A student may be assigned to Educational Alternative Placement because of repeated *Level I* or *Level II* violations and for *Level III* violations without being expelled from school. Assignment to Educational Alternative Placement is the removal of a student from the regular school program, with placement in special alternatives designed to meet the student's particular needs. Educational Alternative Placement may be located at the student's home school, at another school or provided through home-based tutoring.

Prior to placement in Educational Alternative, the student and the student's parents will confer with the **Academia Educational Alternative Placement Committee** and the student's teachers about the student's need to be in the special program.. This conference shall include discussion of the following:

1. The circumstances that led to a recommendation for Educational Alternative Placement.
2. The disciplinary history of the student and the school's responses prior to the recommendation for Educational Alternative Placement
3. The current violation of the Academia Code leading to the recommendation for Educational Alternative Placement
4. How the Educational Alternative Placement will meet the student's educational and behavioral needs; and
5. The conditions which must be met in order for the student to return to the Academia school program.

If parental approval is required for the placement then written approval of the parents will be sought at the close of the conference. If parental approval of the placement is not required, the student and the student's parents shall be advised that the placement may be subject matter of a grievance.

## **EXPULSION**

When a student commits a Level IV violation, has five or more repeated Level III violations within a school year, or violates a Behavioral Contract, a recommendation for expulsion will be made to the Head of School and subsequently the Board. An expulsion is the removal of a student from the regular Academia school program for a period of time determined by the Board. While expelled from school, a student may not participate, in any way, in the Academia program, and cannot enroll in any Delaware public school by law. In most cases the student will receive educational services in an Educational Alternative Placement if eligible. The Expulsion process is administered as follows:

### **STEP I**

1. An administrator will complete an investigation within five (5) school days of a reported incident. If a preponderance of the information gathered during the investigation supports a conclusion that the student violated the Academia Student Code, the student shall be suspended for five (5) days. If the student receives services under the IDEA or Section 504, special rules will apply as discussed below.
2. The administrator will take every reasonable step to investigate all aspects of the alleged violation including having a conference with the student, and the student's parents if feasible, when the student will be provided an opportunity to respond to the allegations and the information gathered during the investigation.
3. If at the conclusion of the investigation, the administrator concludes that the student committed the violation and that the nature of the offense warrants a recommendation for expulsion, the administrator shall submit the recommendation to the Head of School. The recommendation must be accompanied by a summary for the administrator's investigation. For students who are eligible for IDEA or Section 504 services and protections, a manifestation determination must be completed prior to a recommendation for expulsion being submitted to the Head of School. The manifestation meeting will be scheduled in accordance with State and Federal regulations, and shall follow procedures specified under **MANIFESTATION DETERMINATIONS FOR STUDENTS WITH DISABILITIES**.
4. The recommendation for expulsion must be submitted to the Head of School within one (1) school day of the conclusion of the investigation, or within two (2) days of the conclusion of a manifestation meeting for students with disabilities.
5. If the Head of School, concurs with the recommendation for expulsion, the student's suspension shall be extended for an additional period of time, when allowable, pending the decision of the Board after a formal hearing on the matter. During this time, students shall receive homebound or other alternative instruction and/or school assignments. If the Head of School does not concur with the recommendation for expulsion, assignment to an educational alternative may be considered.

### **STEP II**

1. If the Head of School concurs with the recommendation for expulsion, the Head of School, will notify the student and the student's parent(s) of intent to expel, and of the date, time and location for a formal hearing on the recommendation. For students who are identified and eligible to receive special education services or 504 protections or accommodations, the Head of School shall within ten (10) school days from the date of manifestation meeting, notify the

student and the student's parent of intent to expel. The manifestation meeting will be scheduled in accordance with the IDEA Federal regulations.

2. The notice of intent to expel shall be sent by certified mail or hand delivered. The notice will state the reason(s) for the expulsion, the basis of the recommendation, and the time, date and place of the formal hearing. In addition, the notice shall be accompanied by a copy of the rules of procedure for the conduct of formal hearings.

3. The formal hearing shall be conducted by a hearing officer selected by the Head of School. The hearing officer may be an employee of La Academia, but the hearing officer must be impartial.

### ***Hearing Rules***

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. All witnesses will take an oath or affirm that they will be truthful during the hearing before the hearing officer.

### ***Student Rights Before & During the Hearing:***

A student pending expulsion has the right:

1. To be represented by counsel at the student's expense.
2. To be provided with homebound instruction pending the outcome of the Expulsion hearing.
3. To request the names of the witnesses against the student and copies of the statements and/or affidavits of such witnesses.
4. To request that any witnesses appear in person and answer questions or be cross-examined.
5. To testify and present witnesses on his/her behalf.
6. ***To obtain a copy of the transcript or tape of the formal hearing at the student's expense.***

### **STEP III**

1. Within three (3) school days following the conclusion of the formal hearing, the hearing officer shall prepare a written report (the "Report") for the Head of School. The Report shall summarize the evidence, state conclusions of fact and make a recommendation as to whether the Board should expel the student. The Head of School then makes a recommendation to the Board. If expulsion is not recommended, assignment to educational alternatives may be recommended if appropriate.
2. If the hearing officer does not recommend expulsion, the student shall be permitted to return to school pending a review of the Report by the Head of School.
3. If expulsion is recommended by the Head of School, the Board shall decide whether to expel following a review of the hearing officer's Report, the transcript and all documents

of the formal hearing at the next scheduled Board meeting. The student shall remain on suspension during this process.

4. The duration of an expulsion is within the discretion of the Board based upon the circumstances of each case, unless a specific duration is required by state or federal law.
5. In lieu of a formal expulsion hearing, a student or his/her representative, may elect to waive the hearing and admit to the violation charges. In these circumstances, the student must provide a written hearing waiver request at least 24 hours prior to the date of the hearing or be given the opportunity to waive on the day of the hearing. This waiver does not absolve the student from required consequences for the violation under state law and the Academia Student Code.

#### **STEP IV**

1. The student and family will be given exit advice on the educational options and rehabilitative counseling that may be available during the expulsion period. Students who are expelled from La Academia will not be invited to return unless a written request is made by parents and reviewed and approved by the Board.

2. If a student is expelled from La Academia, he/she will not be permitted to return to La Academia at the conclusion of the expulsion.

#### **MANIFESTATION DETERMINATIONS FOR STUDENTS WITH DISABILITIES**

If a student who has a disability, as defined under federal and/or state law, is recommended to be expelled, an IEP, 504, or other appropriate team must determine whether the behavior at issue is a manifestation of the student's disability. The Head of School, in conjunction with the Supervisor of Special Education, may unilaterally place a student with an IEP in an alternative educational setting for a maximum of 45 school days if the student causes serious injury to themselves or another, brings a weapon or illegal drugs to school, on the school bus, or at a school function. This unilateral change of placement can occur without an IEP meeting or the parents' permission.

#### **STUDENTS RECEIVING SERVICES UNDER CHAPTER 31 OF TITLE 14 AND THE IDEA**

1. The IEP team will determine whether:
2. The offense was a manifestation of, or related to, the student's disabling condition; and/or
3. Whether the student was inappropriately placed at the time of the offense or there is a likelihood that a change in the student's program and/or placement would alleviate the misconduct which led to the offense.
4. If the student's behavior is determined to meet the conditions set out above, then suspension and/or expulsion are not acceptable management or discipline procedures. Any discipline for the behavior shall be in accordance with the student's IEP and the student's placement should be reviewed.
5. If the IEP team determines that the offense is not the result of his or her disability and/or an inappropriate program placement, the consequences listed under the violation in the Academia Code will be followed. Students will be provided educational services as determined by an IEP Team for the duration of the consequence.

#### **STUDENTS RECEIVING SERVICES UNDER SECTION 504**

1. A multidisciplinary team (i.e. the team establishing 504 accommodations if applicable) will determine whether the offense was a manifestation of, or related to, the student's disabling condition.
2. If the student's behavior is a manifestation of the student's disability, then suspension and/or expulsion are not acceptable management or discipline procedures.
3. If the offense is not the result of his or her disability and/or an inappropriate placement, the consequences listed under the violation in the Academia Student Code will be followed as provided by law.

## **NOTICE OF RIGHTS AND OTHER PROCEDURES**

Included in the Appendix are the following notices specifying the rights of parents under various Civil Rights and various Education laws:

Appendix C:

**NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATION RECORDS AND PRIVACY ACT**

Appendix D:

**NOTIFICATION OF RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

Appendix E:

**NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT ACT**

Appendix F:

**PROCEDURES FOR FILING A COMPLAINT FOR NON-COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS ACT**

## **GLOSSARY**

As used in La Academia Student Code:

1. **Alcohol**—ethyl alcohol produced by the distillation of any fermented liquid, whether rectified or diluted with water or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but it does not mean ethyl alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes. (4 Del.C. §101(1).]
2. **Antique Firearm**
  - Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or
  - Any replica of any firearm described in subparagraph (a) if such replica is not designed or redesigned for using rimfire or conventional center fire fixed ammunition or uses rimfire or

conventional center fire fixed ammunition which is no longer manufactured in the United States.

3. **Behavioral Contract** – a written agreement signed by the Head of School, School Counselor teacher, the student and a parent defining unproductive behaviors or behaviors in violation of the Academia Student Code as an intervention strategy to modify unproductive behavior of a student.
4. **Board**—La Academia Antonia Alonso Charter School Board of Education.
5. **Dangerous Instrument--** means any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray, as defined in paragraph (6) of this section or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person. (11 Del.C. §222(4))
6. **Deadly Weapon** – as defined by Delaware law and under this Code, includes a firearm, a bomb, a knife of any sort (other than ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any dangerous instrument, which is used, or attempted to be used, to cause death or serious physical injury, and a BB gun. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.
7. **Destructive Device** –

Any explosive, incendiary, or poison gas; 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.

Any type of weapon (other than a shotgun or a shotgun shell which the U.S. Secretary of Treasury 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

Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled. Destructive Device shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section. §4684(2), §4685, or §4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

8. **Reflection**—an established time, during recess, when a student is detained in a supervised area to reflect on the behavior at issue.
9. **Distribute, Distributing, or Distribution**—the 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.



10. **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. It includes inhalable substances( including gases, solvents, butane, propane, adhesives and other similar products), steroids, herbal euphoriants, any substances commonly referred to as “designer drugs”.
11. **Drug Like Substance**—any non-controlled or nonprescription substance capable of producing a change on behavior or altering a state of mind or feeling, including, for example, some over the counter cough medicines, certain types of glue, caffeine pills and diet pills. The definition of Drug Like Substance does not include tobacco or tobacco products that are governed by 14 *DE Admin. Code* 877 Tobacco Policy.
12. **Drug Paraphernalia**—all equipment products and materials as defined in §4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.
13. **Educational Alternative Placement**- the placement of the student in an appropriate alternative situation until the student has satisfied the requirements to return to the regular program.
14. **Expulsion** –the exclusion from the regular school setting for a period determined by the Board.
15. **Firearm** –a handgun, rifle, shotgun, or other type of firearm as that term is defined by the Gun Free School Zone Act, 18 U.S.C.A §921. (“[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, or; the frame or receiver of any weapon, or; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm.”)
16. **La Academia**- Academia Antonia Alonso Charter School
17. **Academia Community Service**—an assigned supervised task, not to exceed two (2) hours for the benefit of the Academia community that must be completed by the student due to misconduct.
18. **Head of School**- The Head of School and Principal used interchangeably
19. **Look Alike Substance** – 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. 16 *Del. C.* § 4752A..
20. **Nonprescription Medication**—any over the counter medication; some of these medications may be a “Drug Like Substance”.
21. **Parent**—the adoptive or biological parent, legal guardian or Relative Caregiver of a student
22. **Parent Contact or Conference**—telephone contact, written communication or meeting with a parent.
23. **Possess, Possessing, or Possession (drugs/alcohol)** – a student has on the student’s person, in the student’s belongings, or under the student’s reasonable control prohibited items or substances
24. **Prescription Drugs**—any substance obtained directly form or pursuant to a valid prescription or order of a practitioner, as defined in 16 *Del.C.* §4701(31), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose the Possession it is found.
25. **Referral to the Court**—filing a charge of alleged illegal action in the Family Court of the State of Delaware.

**26. Referral to Social Service Agency**—a recommendation that a family seek help from a public or private social service agency for the student.

**27. Removal from Class**—removing a student from class when the student's conduct is disruptive, or presents immediate danger of physical harm to either the student or others. The student will be assigned to a supervised area.

**28. Reprimand**—a verbal or written warning that conduct is not acceptable. The reprimand school identifies the consequences of continued misconduct.

**29. Restitution**—payment for a transgression for the replacement or restoration of damaged property or theft committed by a student.

**30. School Employee**—any person employed by Academia on a permanent or temporary basis.

**31. School Environment**--shall mean within or on school property or at school sanctioned or supervised activities including for example: on school grounds, on school buses, at functions held on school grounds, at extra-curricular activities held on and off school grounds, on field trips, and at functions held at the school in the evening.

**32. Suspension**—a student's temporary exclusion from the regular school program for a period of time between one (1) to ten (10) consecutive school days. The suspension may be extended for a period not to exceed ten (10) school days with approval of the Head of school for student who has been recommended for expulsion from school.

Many of the definitions included in the Glossary are the definition required by 14 DE Admin. Code 614- Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion. The complete text of the Regulation may be found on the Delaware Department of Education Website at <http://regulations.delaware.gov/AdminCode/title14/600/614.shtml>

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## **APPENDICES**

### **APPENDIX A: LEGAL AUTHORITY OF TEACHERS AND ADMINISTRATORS TO CONTROL THE DISRUPTIVE BEHAVIOR OF STUDENTS.**

A. "Disruptive behavior" includes conduct that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn or with the operation of a school or a school-sponsored activity.

B. While a student is entrusted in their care or supervision, public school teachers and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian or other person similarly responsible for the care and supervision of the student except as provided in § 702 of this title. The authority includes removing a student from a classroom or school-sponsored activity.

C. When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student's disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher's decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher's decision to remove the student was reasonable and necessary under the circumstances.

D. When a student is removed from a classroom or school-sponsored activity or is disciplined or punished pursuant to this section, the principal or the principal's designee shall afford the student appropriate due process as required by the federal and State constitutions.

E. When a student is removed from a classroom or school-sponsored activity, the principal or the principal's designee and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal or principal's designee cannot agree, the superintendent or the superintendent's designee shall make the determination.

F. When a teacher or school administrator removes a student from a classroom or school-sponsored activity or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.

G. Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardians policy or standards that:

- i. Specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher's ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity and
- ii. Further define and/or provide examples of "disruptive behavior" set forth in subsection(a) of this section.

H. A district shall not establish or adopt a policy or standards that prohibit the removal of a student from a classroom or school-sponsored activity.

I. No teacher who purports to have acted pursuant to the teacher's rights established by this chapter shall be found liable for civil damages arising from that action unless that teacher's conduct shocks the conscience.(14Del.C.1953,§701;57Del.Laws,c.383;60Del.Laws,c.662,§ 1; 72 Del. Laws, c. 236, § 1; 73 Del. Laws, c. 75, § 1; 74 Del. Laws, c. 17, §§ 1-3; 75 Del. Laws, c.158, § 1.)

## **APPENDIX B: SCHOOL BUS RULES AND REGULATIONS**

The following rules can be enforced only with the cooperation of every person concerned with transportation.

1. You may only ride on your assigned bus in your assigned seat.
2. Students must listen to the driver and follow the driver's directions. The driver has the authority of a classroom teacher.
3. If crossing the street to board the bus, students **MUST** look both left and right for cars, make sure the RED lights are flashing, and wait for the driver's signal to cross. Always cross in **FRONT** of the bus.
4. Before boarding and after exiting the bus, students must keep a safe distance from the bus. Keep at least 10 FEET away from the bus.
5. Students are to enter the bus promptly, immediately take their seats, and remain seated whenever the bus is moving.
6. Students are to conduct themselves on the bus in such a way that will not distract the driver. Distracting the driver puts everyone on the bus at risk.
7. Students must remain properly seated at all times. (Back to Back; Bottom to Bottom; Book bag on the lap)
8. Outside of ordinary conversation in a normal tone, classroom conduct is to be observed when on the bus. The driver has authority to prohibit any conversation.
9. Students must remain out of the driver's seat and refrain from unnecessary conversation with the driver while the bus is in motion.
10. Students are not to touch the emergency equipment on the bus (emergency doors, windows, roof hatches, body-fluid/firstaidkits,2-wayradios,etc.) except as directed by the driver or during an actual emergency.
11. The bus windows should not be opened without the permission of the driver..
12. Students are to keep all body parts inside the bus (hands, arms, head, hair, etc.).
13. Students are to keep their hands and feet to themselves.(No fighting, horseplay, playing or bullying.)
14. Students are not to throw objects of any kind either inside the bus, out of the bus,or around the bus.
15. Students should help keep the bus clean, sanitary, and orderly. They must not damage or abuse bus seats or equipment.
16. Students are not to use abusive language or profanity, obscene or rude gestures, or spit while on the bus.
17. Students may **NOT** bring large musical instruments, animals, balloons, glass containers or objects, or large school projects onto the bus.
18. Students are not to leave the bus without the driver's permission, except on arrival at their assigned bus stop or at school.

**STUDENTS MUST RIDE THEIR ASSIGNED BUS TO AND FROM THEIR ASSIGNED STOP IN THEIR ASSIGNED SEATS.**

**SWITCHING BUSES FOR ANY REASON IS STRICTLY PROHIBITED UNLESS APPROVED BY THE HEAD OF SCHOOL IN WRITING**

Following the Bus Safety Rules and Regulations will ensure safety, prompt arrivals and departures of buses, and positive attitudes on the part of students. Violations of these rules may result in the suspension of bus privileges. The Student Code of Conduct applies to behavior on the school bus and may apply at the bus stop

**APPENDIX C: ANNUAL NOTIFICATION OF RIGHTS THE FAMILY EDUCATION RECORDS AND PRIVACY ACT ADDRESSING STUDENT EDUCATION RECORDS SCHOOL BUS RULES AND REGULATIONS**

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that requires that Academia Antonia Alonso Charter School, with certain exceptions, obtain written consent of a parent and/or students at least 18 years of age (known as “eligible students”) prior to the disclosing personally identifiable information from a student’s education records to third parties. In addition, FERPA affords parents and eligible students certain rights with respect to the student's education records and other personally identifiable information that might be contained in the student’s education record. These rights are:

*(1) The right to inspect and review the student's education records within 45 days of La Academia receiving a written request for access to student records.*

Parents or eligible students should submit a written request for access to the Head of School that identifies the record(s) they wish to inspect. The Head of School will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

*(2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate,, misleading, or otherwise in violation of the students privacy rights under FERPA.*

Parents or eligible students who wish to ask to amend a record should write the School principal, identifying the part of the record they want changed, and specify why it should be changed. If the principal decides not to amend the record as requested by the parent or eligible student, the principal will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

*(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA allows La Academia to disclose certain personally identifiable information without consent.*

FERPA permits disclosure personally identifiable information without consent of a parent or eligible student for the following reasons:

- i. To Academia School officials with legitimate educational interests. A school official is a person employed by Academia Antonia Alonso Charter School as an administrator, supervisor, teacher, instructional support staff (including health or medical staff and law enforcement unit personnel); or a person serving on the Board of Education. A school official has a **legitimate educational interest** if the official needs to review an education record in order to fulfill his or her professional responsibility;
- ii. To a person or company with whom La Academia has a contract for services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant or therapist);
- iii. To a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks;
- iv. To officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. FERPA requires a school to make a reasonable attempt to notify the parent or student of her records request unless it states in its annual notification that it intends to forward records at the request of a legitimate educational organization. **La Academia intends to forward education records to other schools or education organizations upon receipt of a written request, signed by an official of the organization on a form or in a letter with the name, address and contact information for the organization.**
- v. To authorized representatives of the U.S. Comptroller General, the U.S. Secretary of Education, or the Delaware Department of Education for the purpose of complying with an audit or evaluation of a federal or state supported program or for the enforcement of or compliance with Federal legal requirements related to those programs.
- vi. In connection with financial aid for which the student has applied or received, if the information is necessary to determine eligibility to receive the aid, determine the amount of aid, determine the conditions of aid, or enforce the conditions of aid.
- vii. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve prior to adjudication, the student whose records were released.
- viii. To comply with a judicial order or lawfully issued subpoena.
- ix. To organizations conducting studies for, or on behalf of, a school in the District or the District itself, in order to develop, validate or administer predictive tests, administer student aid programs, or improve instruction.
- x. To accrediting organizations to carry out their accrediting functions.
- xi. To parents of an eligible student if the student is a dependent for IRS tax purposes.
- xii. Personal information from a student's education record that has been defined by the District as Directory Information. Directory Information includes, but is not limited to a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities such as plays or competitions and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, pictures of in school activities (i.e. year book pictures or pictures on the District or School website), video or print images, and the most recent previous educational agency or institution attended by the student, and other similar information.

Parents or eligible students who do not wish to permit the release of such "directory information" to a third party without consent must notify the Head of School in writing on or before September 30 of each school year that a student's directory information cannot be disclosed without consent. Failure to do so shall be considered to be authorization to release such "directory information" as may be deemed appropriate by La Academia.

*(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Academia Antonia Alonso Charter School to comply with the requirements of FERPA.*

Complaints may be addressed to:

U.S. Department of Education, 400 Maryland Avenue, Washington, D.C. 20202

#### **APPENDIX D: ANNUAL NOTICE PARENT AND STUDENT RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, reading, thinking, concentrating, sleeping, bowel/bladder functions, eating and other major life activities.

**DUAL ELIGIBILITY:** Some students will be eligible for educational services under the Individuals with Disabilities Education Act (IDEA) and Section 504. Students who are eligible for educational services under the IDEA have many specific rights that are not available to students who are eligible for services under Section 504. Parent and student rights under the IDEA are documented in the Delaware Procedural Safeguards Notice available from the Delaware Department of Education or through the Supervisor of Special Education for La Academia. The purpose of this notice is to inform parents and their rights and the rights of their students under Section 504 for students with disabilities who *do not* qualify for special education services under the IDEA.

The enabling regulations for Section 504 provide parents and students the following rights:

1. You have a right to be informed by the school of your rights under Section 504. 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. Your child has the right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher

- recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and evaluation or assessment test scores. 34 CFR104.35.
8. Placement decisions must be made by a group including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35
  9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
  10. You have the right to notice prior to any action by the school in regard to the identification, evaluation or placement of your child.34CFR104.36.
  11. You have the right to review relevant records.34CFR104.36.
  12. Questions or concerns regarding your child's identification, evaluation or educational placement should be directed to the Director Of Student Support Services.
  13. If you believe your rights, or the rights of your child, under Section 504 have been violated, you may file a written grievance with following the grievance procedures in Appendix E. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place for the hearing.
  14. If you disagree with the decision of the impartial hearing officer, you have the right to a review of that decision by a court of competent jurisdiction.34CFR104.36.
  15. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office is:

Office of Civil Rights- U.S. Department of Health and Human Services

150 S. Independence Mall West Suite

Suite 372

Philadelphia PA, 19106-9111

#### **APPENDIX E: ANNUAL NOTIFICATION OF PARENT RIGHTS UNDER THE PROTECTION OF PUPILS RIGHTS AMENDMENT ACT**

Under Protection of Pupil Rights Amendment Act, 20 U.S.C. § 1232h; Title X, of the Elementary and Secondary Education Act, parents and students 18 years or older have the right to:

1. Inspect any survey funded by the U.S. Department of Education or being administered by third parties addressing those areas deemed “private” under the Act prior to the administration of the survey to students by La Academia;
2. Inspect surveys addressing subjects other than those deemed “private” not funded by the U.S. Department of Education created by a third party prior to the administration of the survey to students by La Academia;
3. Provide written consent for surveys addressing subjects deemed “private” under the Act before La Academia can administer surveys to students;
4. Inspect, upon request, any instructional material used as part of the educational curriculum for students; and



5. Inspect, upon request, any instrument used to collect information for the purpose of marketing or selling;

6. To “opt out” of any survey, collection of information or screenings addressed by the notification.

The following topic areas are deemed “private” under the Protection of Pupil Rights Amendment:

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

Requests to review materials or to have your child “opt out” must be in writing and addressed to the Head of School at least two weeks before the event or survey occurs.

## **APPENDIX F: PROCEDURES FOR ADDRESSING COMPLAINTS OF NON-COMPLIANCE WITH TITLE IX**

### **A. DEFINITIONS**

1. Grievant. “Grievant” as used in this Procedures shall mean a parent of a student, a student age 18 years or older, or an employee of La Academia who believes that La Academia has discriminated against a student or group of students because of gender in the education programs or activities of La Academia in violation of the requirements of the Title IX.
2. Head of School. “Head of School” as used in these Procedures shall mean the Head of School or Principal of La Academia Antonia Alonso or his/her designee.
3. Controversy. “Controversy” as used in these Procedures means an allegation that La Academia failed to comply with the requirements of Title IX, whether intentional or unintentional.

### **B. PROCEDURE**

1. A grievant who believes that La Academia has failed to comply with the requirements of Title IX must file a written complaint with the Head of School within seven (7) business days after the grievant knew or should have known of the controversy. The written complaint must include:

1. The nature of the controversy
2. The name of the administrator responsible for the location where the controversy arose.
3. Attempts by the grievant to address the controversy prior to filing the complaint.
4. A proposed remedy for the controversy.
5. The Head of School, or his/her designee shall investigate the allegations in the written complaint and present a written report of findings and recommendations within 20 work days of receipt. The grievant shall be notified that the written report has been completed.

6. The Head of School shall determine if La Academia failed to comply with the Title IX. If the Head of School determines that La Academia failed to comply with the Title IX, s/he will determine the appropriate remedy which may include, but is not limited to, the remedy proposed by the grievant.
7. The Head of School shall send written notification of the Head of School's decision, by certified mail, to the grievant.
8. If the grievant is not satisfied with the Head of School's decision, the grievant may file a written response to the decision with the Head of School, within five (5) days of receipt of the written decision. The Head of School shall forward (1) a copy of the written decision; (2) the grievant's response to the written decision; and (3) the investigation report, to the Board for review and discussion in the next appropriate Executive Session of the Board. If the grievant fails to timely file a written response to the Head of School's decision, the Head of School's decision shall be final.
9. The grievant may request an audience with the Board during the Executive Session in which the Board is discussing his/her appeal to the Head of School..
10. The Board shall take action on the appeal in the public session.
11. Within five (5) work days of the Board's decision, the Head of School, shall send the grievant a written copy the Board's decision. The Board's decision shall be final.

## **APPENDIX G: DEFINITIONS OF SEXUAL OFFENSE VIOLATIONS**

§ 763 **Sexual harassment**; unclassified misdemeanor.

A person is guilty of sexual harassment when:

- (1) The person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or
- (2) The 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.

§ 764 **Indecent exposure in the second degree**; unclassified misdemeanor.

- (a) A male is guilty of indecent exposure in the second degree if he exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person.
- (b) A female is guilty of indecent exposure in the second degree if she exposes her genitals, breast or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

Indecent exposure in the second degree is an unclassified misdemeanor.

§ 765 Indecent exposure in the first degree is a class A misdemeanor

(a) A male is guilty of indecent exposure in the first degree if he exposes his genitals or buttocks to a person who is less than 16 years of age under circumstances in which he knows his conduct is likely to cause affront or alarm.

(b) A female is guilty of indecent exposure in the first degree if she exposes her genitals, breast or buttocks to a person who is less than 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm.

Indecent exposure in the first degree is a class A misdemeanor

.§ 767 Unlawful sexual contact in the third degree; class A misdemeanor.

A person is guilty of unlawful sexual contact in the third degree when the person has sexual contact with another person or causes the victim to have sexual contact with the person or a third person and the person knows that the contact is either offensive to the victim or occurs without the victim's consent.

§ 770 Rape in the fourth degree; class C felony.

(a) A person is guilty of rape in the fourth degree when the person:

(1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's sixteenth birthday; or

(2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or

(3) Intentionally engages in sexual penetration with another person under any of the following circumstances:

a. The sexual penetration occurs without the victim's consent; or

b. The victim has not reached that victim's sixteenth birthday.

(b) Paragraph (a)(3) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment or to a law-enforcement officer who is engaged in the lawful performance of his or her duties

§ 771 Rape in the third degree; class B felony.

(a) A person is guilty of rape in the third degree when the person:

(1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim's sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim's fourteenth birthday and the person has reached that

person's nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or

(2) Intentionally engages in sexual penetration with another person under any of the following circumstances:

a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or

b. The victim has not reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.

(3) [Repealed.]

(b) Paragraph (a)(2) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment, or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.

Revised 7.14 Academia Antonia Alonso's Student Code of Conduct (c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian or guardians, the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.

(d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

**§ 772 Rape in the second degree; class B felony.**

(a) A person is guilty of rape in the second degree when the person:

(1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or

(2) Intentionally engages in sexual penetration with another person under any of the following circumstances:

a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or

b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:

1. Any felony; or

2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or

c. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or

d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

e. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

f. The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

g. The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.

(a) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(b) Notwithstanding any provision of this title to the contrary, the minimum sentence for a person convicted of rape in the second degree in violation of this section shall be 10 years at Level V.

**§ 773 Rape in the first degree; class A felony.**

(a) A person is guilty of rape in the first degree when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or

(2) The sexual intercourse occurs without the victim's consent and it was facilitated by or occurred during the course of the commission or attempted commission of:

a. Any felony; or

b. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree; or

(3) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

(4) The sexual intercourse occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

(5) The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.

(a) Nothing contained in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(b) Notwithstanding any law to the contrary, a person convicted of rape in the first degree shall be sentenced to life imprisonment without benefit of probation, parole or any other reduction if:

(1) The victim had not yet reached that victim's sixteenth birthday at the time of the offense and the person inflicts serious physical injury on the victim; or

(2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates or permanently disables a member or organ of the victim's body; or

(3) The person is convicted of rape against 3 or more separate victims; or

(4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state or the United States.

## **DEFINITION OF STALKING**

**§ 1312 Stalking;** class G felony, class F felony, class C felony.

(a) A person is guilty of stalking when the 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.

(b) A violation of subsection (a) of this section is a class G felony.

(c) Stalking is a class F felony if a person is guilty of stalking and 1 or more of the following exists:

1. (1) The person is age 21 or older and the victim is under the age of 14; or
2. (2) The person violated any order prohibiting contact with the victim; or
3. (3) The victim is age 62 years of age or older; or
4. (4) The course of conduct includes a threat of death or threat of serious physical injury to the victim, or to another person; or
5. (5) The person causes physical injury to the victim.

(d) Stalking is a class C felony if the person is guilty of stalking and 1 or more of the following exists:

- (1) The person possesses a deadly weapon during any act; or
- (2) The person causes serious physical injury to the victim.

(e) *Definitions.* — The following terms shall have the following meaning as used in this section:

(1) "Course of conduct" means 3 or more separate incidents, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about another, or interferes with, jeopardizes, damages, or disrupts another's daily activities, property, employment, business, career, education, or medical care. A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.

(2) "A reasonable person" means a reasonable person in the victim's circumstances.

(f) Notwithstanding any contrary provision of § 4205 of this title, any person who commits the crime of stalking by engaging in a course of conduct which includes any act or acts which have previously been prohibited by a then-existing court order or sentence shall receive a minimum sentence of 6 months incarceration at Level V. The first 6 months of said period of incarceration shall not be subject to suspension.

(g) Notwithstanding any contrary provision of § 4205 of this title, any person who is convicted of stalking within 5 years of a prior conviction of stalking shall receive a minimum sentence of 1 year incarceration at Level V. The first year of said period of incarceration shall not be subject to suspension.

(h) In any prosecution under this law, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted; or that the perpetrator did not intend to cause the victim fear or other emotional distress.

(i) In any prosecution under this section, it is an affirmative defense that the person charged was engaged in lawful picketing.

(j) This section shall not apply to conduct which occurs in furtherance of legitimate activities of law-enforcement, private investigators, security officers or private detectives as those activities are defined in Chapter 13 of Title 24.