



**STUDENT HANDBOOK
2009- 2010**

**Our mission is to provide an opportunity for children
to learn in a safe, caring, respectful environment,
where their individuality is valued and their
individual needs are addressed.**

**Students are expected to:
Be Responsible.
Be Respectful.
Be Your Best.
Be there. Be Ready.**

This Agenda Belongs to:

NAME _____

ADDRESS _____

CITY/TOWN _____ ZIP CODE _____

PHONE _____

WELCOME TO POSITIVE OUTCOMES CHARTER SCHOOL

Welcome to our family. This is your chance to turn your life around. You can be successful at Positive Outcomes. Even if you previously earned terrible grades, the staff here will help you to succeed. This school was created to meet the needs of students who had trouble at other schools. We require regular attendance, and effort by the student. If you will come to school and try your best each day, we will work hard to help you.

Everything we do is designed to help you through school. The faculty and staff are glad to welcome all of the students to our school this year. Let's work together to make this school the best that it can be.

We hope you have a great year.



Edward J. Emmett Jr.

Director

DAILY SCHEDULE

		Starts	Ends
1	First Period	8:00	8:55
		8:55	8:58
2	Second Period	8:58	9:48
		9:48	9:51
3	Third Period	9:51	10:41
		10:41	10:44
4	Fourth Period	10:44	11:34
MS Lunch	MS Lunch Period	11:05	11:30
		11:34	11:37
Lunch	HS Lunch Period	11:37	12:02
		12:02	12:05
5	Fifth Period	12:05	12:55
		12:55	12:58
6	Sixth Period	12:58	1:48
		1:48	1:51
7	Seventh Period	1:51	2:42

SCHOOL CLOSING

When school is closed due to weather conditions or other emergencies, the final decision will be made by the director, no later than 6:45 a.m. Closings are announced on WBOC-TV and WBOC.com,.. You may also check the online school closing system by clicking the "School Closed?" link on our school homepage.

On days where weather is in question you may contact the school by calling (302) 697-8805 and press #7. This will provide weather closings and delay information.

POSITIVE OUTCOMES CHARTER SCHOOL
SCHOOL CALENDAR 2009-2010

Month	Event	Staff	Pupil
August		11	9
August 17	Professional Development		
August 18	Professional Development		
August 19	First Student Day		
	12:00 - Parent Student BBQ		
August 20	First Full Student Day		
September		21	21
September 7	Labor Day – No School		
September 16	Parents Night/Open House		
September 17	1 st MP Interims		
September 18	½ Day-Noon Dismissal No CR Transportation pm		
October		22	20
October 9	½ Day-Noon Dismissal No CR Transportation pm		
October 9	Statewide Professional Development		
October 16	Professional Development		
October 20	End 1 st MP		
November		17	17
November 11	Veterans' Day – No School		
November 18	2 nd MP Interims Due		
November 25-27	Thanksgiving Break – No School		
December		17	16
December 21	Exams – ½ Day No CR Transportation pm		
December 22	Exams – ½ Day – End 2 nd Marking Period, No CR Transportation pm		
December 23	Professional Development		
December 24-31	Winter Break – No School		
January		19	19
January 1-3	Winter Break- No School		
January 4	School Re-opens		
January 18	Martin Luther King Day – No School		
January 21	Open House #1 6:00-8:00		
February		19	19
February 5	3 rd MP Interims Due		
February 11	Open House #2 11:00-2:00		
February 15	Presidents' Day – No School		
February 27	Open House #3 6:00-8:00		
March		23	22
March 1	Professional Development		
March 10-11	DSTP – Math Test		
March 12	End 3 rd Marking Period		
March 15-16	DSTP – Reading Test		
March 18	DSTP – Writing Text-Based		

Month	Event	Staff	Pupil
March 19	Prompt DSTP – Writing Stand Alone Prompt		
April		16	16
April 2-11	Spring Break – No School		
April 22	½ Day-Noon Dismissal No CR Transportation pm		
April 23	4 th MP Interims Due		
April 29	Open House #4 6:00-8:00		
May		20	20
May 18	DSTP- 8 and 11 Science		
May 19	DSTP- 8 and 11 Social Studies		
May 20-21	Senior Exams		
May 27	Graduation		
May 27	Final Exams – Noon Dismissal		
May 28	Final Exams – Last Student Day – Noon Dismissal		
May 31	Memorial Day – No School		
June		3	0
June 1	Professional Development		
June 2	Professional Development		
June 3	Professional Development – Last Teacher Day		

AFTER SCHOOL POLICY

Students are expected to be picked up no later than 4:00 p.m. It is expected that during this time students will adhere to the student code of conduct and demonstrate appropriate behavior for a school setting. Students will be expected to stay indoors under direct supervision. Remember, this is a privilege not a right. Anyone that does not adhere to the appropriate behavior will be asked to make alternative arrangements.

BOOKBAG/ PURSE POLICY

Positive Outcomes Charter School presumes a student possesses, and is therefore responsible for, all items found in the student's bookbag, purse, locker, or similar bag or container used to carry books or personal property (referred to as a "bookbag").

Students have the right to privacy in their personal possessions, including motor vehicles, unless the Director or his/her designee has reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug like substance, a look-alike substance, drug paraphernalia or of a student's unauthorized possession of items which include but are not limited to: a weapon, stolen property, or dangerous instruments in the school environment.

Students have the responsibility: Not to carry, conceal, or possess any materials that are illegal, disruptive, dangerous, or offensive to others.

Students are not permitted to carry backpacks, book bags or purses throughout the school day. All book bags, backpacks and purses are to be placed in the student's locker upon arrival at school.

Book bags are subject to search under the following conditions:

- 1) School officials have reasonable suspicion that a search should be made for the welfare of the child and/or the school.
- 2) Upon presentation of a warrant.
- 3) With the permission of the student after s/he has been appraised of constitutional rights.

CLUBS

Students' membership and participation in any school organization, club, or activity shall be based upon meeting standards of good citizenship and scholarship.

A group of students may start a club by arranging for a faculty advisor, and then contacting the Director for approval. Clubs should be the result of a definite need or interest.

CONFERENCES – PARENT/STAFF

Teachers, the Director, and the Student Advisor are available before, during, and after school hours for conferences with parents. Parents should call the school in order to arrange an appointment.

POSITIVE OUTCOMES/CAESAR RODNEY BUS POLICY

Safety is of prime importance as students are transported to and from school or to school-sponsored activities. Safety requires the cooperation of students, parents/guardians and school personnel. Parents/guardians should review and discuss the school bus rules with their children in an effort to help them understand and assume responsibility for good school bus conduct.

Students are charged with the responsibility of conduct which will result in safe transportation, respect for school personnel and respect for other students. Failure to abide by the school bus rules, show proper respect to others, and comply with requests of school personnel may result in a student being issued a School Bus Report and subsequent suspension or denial of bus transportation. Incidents of a serious nature will be sufficient grounds for the director to suspend a student from school and refer the student to the Board of Directors for consideration for expulsion.

BUS REGULATIONS FOR CONDUCT OF STUDENTS

- Students must obey the driver cheerfully and promptly, be courteous to the driver, and to fellow students. The driver is in full charge of the bus and students, and has the authority of a classroom teacher.
- Students must be on time; the bus has to run on schedule and cannot wait for those who are tardy.
- Students should never stand or play on the road while waiting for the bus.
- Before boarding the bus, students must keep a safe distance from it while it is in motion.
- Students must enter the bus without crowding or disturbing others and occupy their seats immediately.
- Students must not try to get on or off the bus when it is in motion. When on the bus they must remain seated until the bus has come to a complete stop.
- Students must keep out of the driver's seat and remember that unnecessary conversation with the driver is prohibited while the bus is in motion.
- In approaching the bus or a bus stop along the highway, a student should always walk on the left side of the road facing traffic. Students should be sure that the road is clear of all traffic or that all traffic has stopped before crossing. Upon leaving the bus, students should immediately walk around the front of the bus as directed by the driver and stop before crossing. Students must make sure that the road is either clear of all traffic or that all traffic has come to a complete stop before crossing.
- In crossing the street or highway at any time, students should look both to the right and to the left, then WALK — not run.
- Outside of ordinary conversation in normal tone, classroom conduct is to be observed when on the bus.
- Students must not call out to passers-by. They should not open the bus windows without permission from the driver nor extend head or arms out of the windows.
- Students shall not leave the bus without the driver's consent, except on arrival at their regular bus stop or at school.
- Students should help to keep the bus clean, sanitary and orderly. They must not damage or abuse the equipment.
- Students are not permitted to smoke while on the bus.
- Students must not use profanity while on the bus.
- Students must not throw articles of any kind in, out, or around the bus.
- Students are not to eat or drink while on the bus.
- Students are not permitted to use any electronic equipment on the bus (Cell Phones, CD Players, MP3, iPod, etc.).
- Students are to conduct themselves while on the bus in such a way that it will not distract the driver from the job of driving.
- Students are to ride only the bus to which they are assigned.
- Students are not permitted to bring friends with them on the bus.

- Students must ride the shuttle bus to and from Caesar Rodney High School. Students are not permitted to walk from or to CR High. Note: 1st offense is three day bus suspension, 2nd offense is five day bus suspension, 3rd offense is removal from bus for remainder of school year.

BUS VIDEO CAMERAS

Buses are equipped to use video cameras to help enforce discipline. The cameras will be rotated from bus to bus. The principal and other school officials may review the films to help them with disciplinary decisions.

DRESS CODE

Students are expected to dress in clean, neat, well fitted clothing. Clothing must be modest, covering all undergarments. Shorts or skirts must be at least as long as the student's fingertips when arms are relaxed at the sides. Clothing that exposes the belly in anyway is completely unacceptable. Tank tops, nightclothes, and clothing with drug or alcohol references or profanity or sexual references are not permitted. Tops are required to cover the shoulders completely; spaghetti straps are not permitted in any way. All pants, shorts, or jeans are required to worn at the waist and should never expose student undergarments at any time. A student who is not meeting the dress code will be placed into our in-school suspension area until their clothing can be brought into compliance. Appropriate safe shoes are to be worn at all times for appropriate school activities. Flip-flops, slippers and "Heely" shoes are not permitted. Appropriate shoes should be worn when participating in physical education and lunch time outside activities. Appropriate shoes include sneakers or low heeled, not high heeled, platform shoes or open toe shoes.

Headwear

Students are not permitted to where hats, bandanas, do-rags, sweat bands, or any type of headwear in the building at any time. The only exception to this rule is headwear of a religious nature. Religious headwear will require a signed note from the head of a State of Delaware recognized religious organization.

Jackets/Coats

Jackets and coats are not to be worn in the building. Jackets and coats are to be placed in the student's locker upon arriving at school. Students are permitted to wear pull over fleece and sweatshirts in the building. The wearing of fleece and sweatshirts in the classrooms will be decided by each individual teacher.

DRIVING PRIVILEGES

Driving to school and parking on school property is a **privilege** extended to the student body by the Board. Any student who drives/parks a vehicle on school grounds shall register that vehicle within the school. Students should follow the rules for driving/parking cars on school grounds as follows:

- Register all vehicles with Mr. Halama.
- **Parking is authorized on the rocks only.** If this policy is violated, the vehicle will be towed at the owner's expense.
- **Obey 15 M.P.H. speed limit.**
- **Operate the vehicle in a safe manner.**

- Upon arrival to school, students shall go directly into the building and report to the cafeteria. Students shall be on time for school.
- Once on school grounds, students are not to drive off the property or loiter on the property without administration approval.
- The permission of the Director is required for students to be in the parking lot area when school is in session. **In session means whenever the school is opened for business.** (Parking lot pass must be carried. No student will be permitted to go to another student's car.)
- No smoking on school grounds, including in the vehicle.
- Only legally licensed drivers may drive/park on school grounds.

Students who disobey these rules may have their school driving/parking privileges suspended or revoked. Students, who have unregistered vehicles or suspended or revoked driving privileges, may have the vehicle towed at the owner's expense.

Searches of Vehicles:

PARKING LOT SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exterior of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant. If a properly conducted search yields illegal or contraband materials, such findings will be turned over to proper legal authorities for ultimate disposition.

Note: Administrative action will be taken in accordance with school policy. It is the driver's responsibility to secure the contents of his/her vehicle. Anything in the vehicle will be presumed to be the driver's property.

ENTERING AND EXITING THE BUILDING

- Upon entering the building, students are to report to the cafeteria. No one will be allowed to loiter in the library, hallway, stairway or parking lot.
- Once the dismissal bell rings, students are to exit the building to the parking lot to wait for their rides. If the students are not picked up within ten minutes after dismissal, they will be required to sit in the library to wait for their ride. At no time should students loiter around the front door or anywhere else in the building unless a staff member is present and has given permission for the student(s) to be in an unauthorized area.

FREE/ REDUCED LUNCH

PolyTech Child Nutrition Service delivers lunches to Positive Outcomes each school day. The regular price for a student lunch is \$_____. The reduced price for student lunch for eligible students is \$_____. Students are encouraged to pay by the week or month. Students may apply for free or reduced lunch by returning the necessary forms to school. Eligibility is based on family income. Failure to return forms will result in the student being required to pay full price for Students who go into debt \$2.20 will not be permitted to order breakfast or lunch until the debt is paid.

LOCKERS

Students will have the opportunity to utilize lockers for storage of their personal belongings and books. Only school locks are to be placed on lockers. The following rules govern the use of lockers:

- Students are to use only the lock and locker that they have been assigned.
- Lockers are subject to search, per school rules on searches.
- Students may access lockers during class change, before and after lunch, and before and after school. Students are not permitted to use lockers during class.
- Students are not permitted to store food in their lockers.
- Students are not permitted to share lockers.
- The following items must be placed in lockers immediately upon arriving at school: bookbags, radios, tape players, CD players, gameboys, skateboards, skates, hats, headwear, and jackets.
- Students are not to loiter by the lockers.
- Quarterly locker maintenance will be conducted.

NOTE: The School is not responsible for a student's property which is lost, damaged or stolen on school property or at school sponsored activities. Students should make every effort to secure all items of value in a locked locker.

LOCKER SEARCHES

Lockers are school property and are assigned to students for their use. Books and other materials recognized by the school as having educational value may be stored in the locker. Lockers are not transferable by students. The school Director or a designee shall reserve the right to inspect any locker at any time, with or without the student's presence or consent.

Articles that are not of an educational value, or may be deemed harmful to a student or a group of students, or may cause damage to the school or school property, may be confiscated by the school Director and held for proper disposition or disposal. The school shall not be held responsible for money or personal articles of value left in lockers. *Note: There should be no expectancy of privacy with respect to use of lockers.*

LUNCHROOM GUIDELINES

The 25-minute lunch period is to be spent entirely between the assigned lunchroom and the designated space outside of the building. Students are not required to sit at assigned tables. Students are free to talk quietly with those around them. Shouting and excessive movement from table to table or room to room is prohibited. Teachers/parents/paraprofessionals have been assigned to supervise lunchtime behavior. Students are expected to show them respect and cooperate with any requests, which the teacher/parent/paraprofessional might make. Students are not permitted to break into the lunch line or allow others to do so. Students may not leave the lunchroom or other designated area without permission in advance from one of the lunchtime supervisors. The back doors must be used when going outside during lunchtime. During inclement weather, students must remain in the designated areas.

PERSONAL ELECTRONIC EQUIPMENT

- Electronic devices are to be turned off and out of sight. No one will be permitted to display any electronic device on their person.

- No personal iPods, MP3, or any other electronic devices shall be permitted to be used at school.
- Electronic devices will be confiscated by staff members if a student violates this policy and will only be returned to a parent.

STUDENT USE OF ELECTRONIC COMMUNICATIONS EQUIPMENT

Students in possession of electronic communications equipment (such as beepers, cellular phones, etc.) that is turned on, rings, emits any audible sound, vibrates, or is being used in any manner on the school bus, or from the time the student arrives on school property until school is dismissed, will be subject to disciplinary action. It is expected that electronic communications equipment not be visible during the school day. Violators will be subject to disciplinary action.

- For the first violation, the student shall receive a detention and the electronic communications equipment will be confiscated until a parent conference is held.
- For the second violation, the student shall receive one (1) day in-school suspension and the electronic communications equipment will be held and returned to the parent after ten (10) calendar days.
- For the third violation, the student shall receive a three (3) day in-school suspension and the electronic communications equipment will be held and returned to the parent after twenty (20) calendar days.
- For the fourth violation, the student shall receive a three (3) day out-of-school suspension and the electronic communications equipment will be held and returned to the parent after thirty (30) calendar days.
- For the fifth violation, the student will be suspended and referred to the Board of Directors for a hearing and the electronic communications equipment will be held and returned to the parent at the discretion of the Board of Directors.

The administration will make a reasonable effort to securely store the electronic communications equipment, but the school is not liable for loss or damage of such equipment during the term of storage.

The Director is authorized to determine whether exceptional circumstances require an individual waiver of this procedure.

POSTERS

The Administration must approve all posters and other written material for display purposes. Groups or individuals may not circulate written material to the students without such approval in advance.

PUBLICATIONS

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

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

Students have the right:

- To possess, post, and distribute literature, which will not disrupt the school program and which adheres to school guidelines.

- Apart from the limitations imposed by school guidelines, to be free from censorship of their publications.

Students have the responsibility:

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

RELEASE OF STUDENT INFORMATION

Report cards, test scores and other correspondence regarding the child or the school will be sent *only* to the custodial parent(s)/guardian with whom the child primarily resides. Either parent has the right to set up an appointment to come into the school for the purpose of reviewing the child's permanent record, unless there is a court order in the child's folder that is contradictory to this practice.

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

STUDENTS' AND PARENTS' RIGHT TO PRIVACY

All personnel records of students are deemed to be confidential and shall not be subject to disclosure or release beyond the school unless such disclosure or release is authorized in writing by the parent or, if the student is 18 years of age, by written authorization of the student.

Parents shall have the opportunity to review and challenge the contents of their child's records. Whenever a student has attained the age of 18, the rights afforded the parents shall be those of the student.

SCHOOL BOUNDARY LINES

- The school boundary lines begin at the telephone pole on the far side of the day care center to the fence by the parking lot.
- If you leave the school boundaries, you will not be permitted to return to school grounds that day.
- Anyone that violates this policy will deal with the consequences as prescribed by our discipline matrix.

SCHOOL STAFF

Our secretaries, custodians, paraprofessionals and food service employees are important members of the school staff, without the work of these staff members, we couldn't function. As adults, they have the right to expect to be treated with courtesy and respect. If, on occasion, they see the need to reprimand a student, their direction should be accepted in a gracious manner without back talk. If the student disagrees with the request, the matter is to be resolved in the director's office.

SOCIAL EVENTS

Dances will be held throughout the school year at the request of student organizations. The sponsoring group will provide refreshments. Dances will last two or three hours depending on the time of year.

Regulations for social events are:

- Only Positive Outcomes Charter School students and pre-registered guests may attend the dances.
- **If you are not present in school the day of the event, you may not attend the event. Example: Prom Day**
- Regular school or casual dress is acceptable.
- No drinking of alcoholic beverage, smoking, illegal drugs or abusive language by students will be tolerated.
- There will be no passes for leaving. If you leave the dance, you may not return, and you must leave school property.
- Refreshments must be consumed where the activity is held.
- Loitering in the parking lot is forbidden.

STUDENT GOVERNMENT

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

Students have the right:

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

Students have the responsibility:

- To work on the needs of the student body.
- To get prior consent of recommended faculty members.
- To conduct election campaigns in a positive manner, respecting the rights of other candidates

TELEPHONES AND MESSAGES

We cannot routinely deliver personal messages to students, nor can we call students to the telephone. Please make personal and family arrangements at home. Exceptions will be made for emergencies.

No students are allowed to use the school telephone without permission from the Administration. (Before, during or after school)

VISITORS TO SCHOOL

- Parents are always welcome to visit school.
- If a parent wishes to talk with a specific staff member, he/she must call for an appointment since we cannot call teachers from their classes.

- Our administrative and counseling staff is sometimes unable to see unexpected visitors because of previous commitments.
- For the protection of our students, all visitors must register at the main office immediately upon entering the building and obtain a visitor's pass that must be visible on the person.
- Former student visitors are not permitted on school grounds while school is in session.

CARE OF SCHOOL PROPERTY BY STUDENTS

The POCS Board of Directors recognizes normal wear and tear to school property will occur and does not hold students responsible for such damage. However, students shall be held responsible for undue wear, willful damage or loss of school property.

Where it has been established without a doubt that students have damaged school property, parents of the student concerned will be billed for the cost of repairs.

Where the Director feels that the student would better learn responsibility for his/her actions by doing work around the school, this arrangement may be made. Where damage may be considered an act of vandalism, the principal shall notify appropriate law enforcement agencies.

ATTENDANCE REGULATIONS

Delaware State Law, which pertains to compulsory attendance, requires regular attendance for the school-age child. The Board of Directors of Positive Outcomes Charter School requires regular and consistent attendance for all students, grades seven through twelve, who are enrolled in the school's programs.

The following conditions are recognized by the school (and the State of Delaware) to be legal and necessary absences:

- absence associated with student illness;
- absence associated with a family emergency;
- absence associated with a religious holiday;
- absence associated with a subpoenaed court appearance;
- absence associated with an appointment for treatment by a doctor or dentist,
- providing evidence of such is provided;
- absence associated with other reasons pre-approved by the principal;
- absence associated with suspension.

UNEXCUSED ABSENCES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

- absence for which no written note was provided by the person in control of the student;
- missing the school bus;
- helping in the home;
- employment;
- oversleeping;
- shopping;
- truancy;
- absence not considered excused.

Students who are absent from school or a class for an unexcused reason are subject to appropriate school disciplinary action and referral to truancy court.

Students may be referred to truancy court after four (4) unexcused absences from school.

Written documentation signed by an adult is required for any absence or tardy. The methods of determining excused absences or tardiness will include but not be limited to the following:

- Doctor's note for sickness
- Dentist's note for treatment
- Telephone call by parents in an emergency
- Parent's note to match bona fide signature

All unexcused absences receive no credit for the day's work. Any student who has an excused absence from school can make up class work and assignments missed if the request is made within two school days of the student's return. The time allowed to complete makeup work will be double the time missed and will begin the day of the student's return. The student's grade should reflect any failure to comply.

Absence from school:

Full day attendance will be given only to those who enter school before 2nd period. Entry after Period 1 but before Period 4 will result in one half-day absence. Entry after the conclusion of Period 4 will result in a full day of absence.

Absence from class:

Students are considered absent from class any time that they are not physically present during class time. This would include all activities that would allow the student to be counted present for the school day but also allow the student to be places other than the classroom (e.g. field trips, meetings, trips to the office, conferences, etc.).

Excused absence:

An excused absence is an absence covered by the eight necessary and legal absences defined by the Board and in compliance with State Law and validated by proper documentation.

Procedures:

- Pupils are expected to come to school on time every day and to remain the entire day.
- Excused absences are per Board Policy as listed above.
- Each student will be issued an excuse slip after an absence.
- A grace period of one day will be given to returning students who do not produce an excuse slip. Failure to produce the slip after that time will result in an unexcused absence.
- Parents are asked to call the school if there is any doubt as to the validity of an absence.
- Students are not allowed to leave school grounds during the school day without permission from the director.
- Students, who do not report to school and have no valid reason, will be considered truant

TARDINESS

The term "tardy" will be defined as being late to school, class or an activity, with or without permission of parents/guardian or school personnel. The Director, in consultation with staff, will establish a specific definition of what constitutes "being late to school, class or an activity." All teachers will inform their respective

classes of the definition of “being late to school, class or an activity.” The teacher will counsel with those students who are developing a pattern of being tardy. The teacher will refer those students to the Director, who in the teacher’s judgment, are not making progress towards correcting the problem. Excessive tardiness, specifically lateness to school, shall be referred to the attention of the Director just as excessive absence is reported.

Truancy

A student will be considered truant if the student:

- fails to arrive at school when directed to attend by the person in control of the student;
- leaves school property without permission of the Director or designee; or
- is present on school property but not present at the place or class assigned.

A student who is truant will be disciplined by the Director as appropriate to the circumstance associated with the truancy.

A student with more than three days of absence due to truancy in a given school year (*which includes any mandatory summer school*) will be considered a chronic truant. Students who leave school property without permission or who do not report to assigned areas or class three times in a given school year shall also be considered a chronic truant.

A student who is a chronic truant may be referred to the Director or designee. Students who reach the age of 16 may be recommended for expulsion from school.

A student expelled for truancy may re-enter school the following school year, but re-entry will be on a probationary basis. If such a student again is classified a chronic truant, per the description of the policy, the student shall be dropped from the attendance roll of the school.

In combating truancy, school officials shall attempt to involve other state agencies as they work to eliminate truancy as a cause for a student being absent from school.

Note: In addition to school disciplinary action for truancy, students may be referred to truancy court. Students may be referred to truancy court after four (4) unexcused absences from school.

EARLY DISMISSAL

All early dismissals will require a written request from the parent or guardian, even if the student is 18 years of age or older. **Requests will not be granted over the telephone.** If the student is under the age of 18 years, a parent/guardian must come to the office to sign the student out for early dismissal. In an emergency, persons having legal custody of the student may present themselves at the school office to sign the student out for early dismissal. Early dismissal requests should be brought in on the day of the appointment. Dental and medical appointments should be made after school hours, but concessions can be made if appointments must fall during regular school hours. Children should return to school following such appointments if there is school time remaining in the day. Any early dismissal that is longer than two hours will result in one-half day or one day absence in accordance with the definition of absence.

ATTENDANCE RECORDS

The Director or designee will keep a daily record of attendance to include absences and tardiness of all pupils. Each student’s attendance will be recorded daily in compliance with State regulations.

- Upon accumulating 5 absences (excused or otherwise) within an academic year, the school office will notify the parent by letter.
- Upon accumulating 10 absences, the school will contact parents. A truancy notice may be sent to the students' parent or guardian. The contact will determine the cause of the students' excessive absence and evaluate the student's need for homebound instruction (if the ten absences are consecutive) or other alternative instructional services. Further absences will require a physician's excuse. Failure to produce such documentation when requested will result in unexcused absences being recorded.
- Upon accumulating 15 absences, a formal determination will be made by the director and student advisor whether to refer the student and parents to the legal system, Positive Outcomes Charter School Board of Directors, or other appropriate agency. Truancy notices may be sent to parents.
- When 20 absences have been recorded, charges of truancy will be filed in Magistrate Court for all unexcused absences.
- **When 26 absences from school have been recorded, a referral to Child Protective Services may be made. The student also cannot be awarded credit for the current school year.**
- **Students enrolled in grades 7 through 12 will receive no credit in any class for which they have accumulated 26 or more absences.**
- A student who is receiving homebound instruction in accordance with Charter School procedures will be regarded as present and will not be penalized under any provision of this policy.
- The Director, in cases of severe family hardship or student illness, may make exceptions to Positive Outcomes Charter School attendance policy upon application by affected parties.

STUDENT RIGHTS AND RESPONSIBILITIES

A primary task of the school is to create a stimulating climate for all students. The school staff, parents, and students have a responsibility to work together so that the learning climate will permeate the total school program.

One of the goals of education in Positive Outcomes Charter School is the development in students of an appreciation of the democratic way of life. An appreciation of the democratic way of life must include, to the fullest extent possible, opportunities for students to exercise their rights and assume their responsibilities of citizenship.

The mature exercise of rights and privileges demands the exercise by adults and students alike of the responsibility to respect the rights of others and to respect legally constituted authority.

Students must be free to, and are encouraged to, participate in student government organizations that provide all students with a voice in school affairs. Open channels of communication should exist for the student, student government, the faculty, and the administration. Recommendations made by the student government should receive a prompt and substantive response.

A student's exercise of rights and privileges in the school setting must depend on age, maturity, and, to an extent, the standards of the community in which we live. No right is absolute. Every right has its limitations. One basic limitation is that the exercise of the rights of one individual or group ceases when it infringes on the rights of another individual or group. Other limitations that pertain to the public education process are found in state law, regulations of the Delaware Department of Education (DOE), and policies of the Board of Directors.

Rights assumed by students must be accompanied by corresponding responsibilities. Students must further accept the consequences of their actions; recognize the limits of their freedoms, and show concern and consideration for the rights exercised by both students and adults. Student rights involve equivalent responsibilities. Thus, students have the following responsibilities:

- To attend school for the purpose of obtaining a quality and meaningful education.
- To recognize and function within the policies established by the Board of Directors and the rules and regulations of school officials.
- To contribute toward the improvement of the teaching-learning situation and to strive for the overall betterment of the school environment.
- To maintain respect for school staff and students, and to exhibit conduct reflecting self-control, self-regulation and self-discipline.
- To cooperate with the student officers in the development and implementation of student-related policies.
- To develop a sense of pride and respect for the school and the ideals for which it stands.
- To provide support for the members of organizations, groups and teams representing the school as part of the esprit de corps necessary for their success.
- To accept every person as an individual human being and to promote group relations and understanding.

STUDENT DUE PROCESS RIGHTS

The essential rights involved in disciplinary procedures stem from the concept of due process. In order to ensure students' due process rights, the Positive Outcomes Charter School Board of Directors has established procedures to be followed in resolving disciplinary violations.

WHEN A STUDENT COMMITS A VIOLATION WHICH MAY RESULT IN DISCIPLINARY ACTION LESS THAN A SUSPENSION FROM CLASSES OR SCHOOL (SUCH AS, BUT NOT LIMITED TO, DETENTIONS, BUS SUSPENSIONS OF 5 DAYS OR LESS OR LESSER BUS DISCIPLINARY ACTIONS), THE FOLLOWING PROCEDURES ARE TO BE FOLLOWED.

The student shall:

1. Have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.
2. Be given oral or written notice of the charges and, if the charges are denied, be given an explanation of the evidence known to school authorities.
3. Be given an opportunity to present his/her side of the story during a conference.
4. Be advised that the disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the above three procedures. The student may not appeal disciplinary actions less than a suspension from classes or school because of a disagreement with the school administration over the interpretation of the facts or the determination of disciplinary action.

WHEN A STUDENT COMMITS A VIOLATION WHICH MAY RESULT IN A SUSPENSION FROM CLASSES OR SCHOOL, THE FOLLOWING PROCEDURES ARE TO BE FOLLOWED:

The student shall:

1. Have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.
2. Be given oral or written notice of the charges and, if the charges are denied, be given an explanation of the evidence known to school authorities.
3. Be given an opportunity to present his/her side of the story during a conference.
4. Be advised that the suspension may be appealed to the next administrative level for failure of the school administration to follow any of the above three procedures, or because of a disagreement with the interpretation of the facts or the determination of disciplinary action.

WHEN A STUDENT COMMITS A VIOLATION WHICH MAY RESULT IN A RECOMMENDATION FOR EXPULSION FROM SCHOOL, THE FOLLOWING PROCEDURES ARE TO BE FOLLOWED:

1. The student shall have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.
2. When a student allegedly commits a disciplinary violation which may, in the school administration's judgment, result in a recommendation for expulsion, the school Director shall cause an investigation to be made of the incident.
3. If, after reviewing the findings of the investigation, the Director determines that the nature and seriousness of the offense may warrant a recommendation for expulsion, the Director shall suspend the student from school pending a conference with the student and his/her parent(s)/guardian(s).
4. As soon as mutually agreeable, the Director or his/her designee shall hold the conference with the student and the student's parent(s)/guardian(s) in order to review the case.
5. Following the Director conference, the Director shall decide to do one or more of the following:
 - Allow the student to return to school on a probationary status.
 - Assign a specified period of suspension and/or other appropriate disciplinary action, community service, and/or counseling in lieu of expulsion.
 - Allow the family to voluntarily withdraw the student from school rather than go forward with expulsion. If this option is pursued, the Director shall stipulate the conditions for readmission discussed at the conference and in the subsequent documentation correspondence.
 - Before the student may return to school, it shall be necessary for the student and his/her parent(s)/guardian(s) to meet with the Director to review whether all conditions had been met.
 - Allow the parent(s)/guardian(s) to waive an expulsion hearing and accept placement of the student in an alternative educational program. If this option is pursued, the Director shall stipulate the

conditions the student must meet to successfully re-enter the regular program from the alternative educational program.

- Recommend an expulsion hearing before the Board.
6. At the conclusion of the conference the Director/designee shall inform the student and his/her parent(s)/guardian(s) whether expulsion is to be recommended.
 7. If expulsion is to be recommended, the Director/designee shall inform the student and his/her parent(s)/guardian(s) that the student's suspension shall continue at least until the hearing before the Board.
 8. The Director/designee shall submit his/her recommendation for expulsion in writing, and all supporting materials, to the Board as soon as possible.
 9. The Director/designee shall send a letter to all involved parties expressing his/her recommendation for expulsion, the reason(s) for it, and the date and time of the hearing.
 10. At the expulsion hearing before the Board, the student, parent(s)/guardian(s), and the District will have the following rights:
 - The right to be represented by counsel.
 - The right to be presented with names of witnesses and copies of written statements of those witnesses within twenty-four hours of the hearing.
 - The right to cross-examine or question witnesses who are present.
 - The right of the parties, including the student, to testify and produce witnesses and documents.
 - The right to a copy of a record of the hearing, which shall be kept by tape recording. If a court stenographer is requested, it will be at the expense of the requesting party and the requesting party will be required to provide a copy of the transcript to the other party at no expense.
 11. Following the hearing, the Board shall determine whether to approve, modify, or reject the recommendation of expulsion.
 12. The Director or his/her designee shall provide the student and his/her parent(s)/guardian(s) with written notice of the decision of the Board in a timely manner. If that notice is of the Board's decision to expel the student, the notice shall also include the procedures to be followed should the student and/or his/her parent(s)/guardian(s) wish to appeal the decision to the State Board of Directors.

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

1. Student Interrogations: School officials have the right and responsibility to question students as they investigate possible infractions. Such interrogations are to be conducted in accordance with Student Due Process Rights. When school officials deem it appropriate to involve law enforcement agencies in the interrogations, the school officials shall make reasonable effort to notify parents prior to the interrogation of the student by law enforcement personnel. Except as prescribed by the Code of Delaware, any interrogation of a student by law enforcement officials or other authorized agencies on school property shall be conducted with a school official present unless the parent authorizes a private interrogation.

2. Student Searches: The school Director or designee is authorized to search a student's person and/or personal effects if the Director or designee has reason to believe the student may be concealing contraband, illegal and/or prohibited items.

All searches of students and student property shall be conducted in the presence of a witness.

3. Student Arrests: The relationship between school officials and law enforcement agencies has been established between the district and law enforcement agencies. If the police arrive at school for the purpose of arresting a student for a non-school related offense, the Director or designee shall attempt to notify the parent of the action of the police.

ACADEMICS

CORRESPONDENCE COURSES\JAMES H. GROVES\NIGHT SCHOOL

The State of Delaware allows a student to take 3 credits outside the normal school courses. Thus, a student may take correspondence courses to count toward graduation, through an approved accredited correspondence school. Information regarding these courses may be obtained by contacting the student advisor. The director of the school must approve all correspondence courses. If a course is not approved credit may be denied. All final examinations for correspondence courses must be taken by May 5 if the course is required for graduation.

EXCUSAL FROM PHYSICAL EDUCATION AND HEALTH

State Board policy makes provisions for parents to request excusal of students from physical education for physical reasons as well as excusal from physical education and health education for religious objections. Parents with concerns in either of these subjects are urged to call the Director, requesting the opportunity to review objectionable material and/or requesting excusal in accordance with State Board rules and regulations. Alternative assignments may be made.

FIRE AND EMERGENCY PREPAREDNESS DRILLS

Fire drills are held monthly in accordance with the Delaware fire regulations. In addition, local disaster preparedness plans require that emergency preparedness drills be held one time a year. Also, an annual school safety drill is conducted in each school. Students are instructed by classroom teachers concerning the procedures that will be used in conducting these drills.

SUPPORTIVE INSTRUCTION (HOMEBOUND INSTRUCTION)

Supportive instruction (homebound instruction) is provided for students who are temporarily unable to attend school in accordance with the rules and regulations as prescribed by the Department of Education in 14 DE Admin. Code 930. If this service is needed, contact the school Director.

VISITING SCHOOLS

Parents are welcome to visit schools. All visitors should report to the office immediately upon arriving at any school. If a parent wishes to speak to a teacher, it should be done by arrangement before school begins or at the end of the school day. Visitors are not permitted to interrupt classroom activities. Conferences with teachers and principals can be arranged by calling the school.

HOMEWORK POLICY

Homework is an integral part of the learning process in that it provides practice and extension of those skills taught in classroom. Since it is considered a strong component of education it is in a student's best interest to view homework as serious and to put forth consistent efforts to complete it to the best of his/her ability. Parents, too, need to lend support to homework effort by actively supervising. For example, they should provide a setting conducive to study, encourage the student, and demonstrate a genuine interest in his/her progress. In essence, a partnership should be formed between the home and the school in the hope that the education of the student can be enhanced.

GRADING POLICY

Grades are calculated on the numerical scale of 1-100 with the range being: A 100-90, B 89-80, C 79-70, D 69-60, F Below 60. In the event of unsatisfactory

progress, teachers will make every attempt possible to contact the parents personally and/or in writing to discuss the situation and to propose directions to be taken to correct the problem.

The granting of grades or the withholding of grades shall not be used as a basis for any disciplinary action or punishment or threat, and grades shall not be arbitrarily held down or limited for the purpose of motivating an individual or an entire class.

STANDARDIZED CLASSROOM PROCEDURES

The following items apply to all of your classes:

- You will be considered absent for any class in which you arrive after half of the class has passed
- Upon returning to school following an absence, see your teacher to collect the assignments that you missed.

7TH AND 8TH GRADE PROMOTION POLICIES

In order to be promoted, a seventh or eighth grade student must pass English, Math, and three other courses, in addition to meeting attendance requirements. By law, any student who scores a 1 on the Grade 8 Math or Reading DSTP must attend summer school. Students who score a 2 must attend mandatory tutoring the following school year. Failure to agree to tutoring will require the student to be retained. Summer school students will retake the sections of the DSTP in which they did not meet the standards. If a grade 8 student fails a major course and receives a score of 1 on the DSTP, the student will be retained. If a student qualifies for special education services and has a current individual education program, promotion and remediation will be determined by the IEP team.

PROMOTION POLICY 9-12

Positive Outcomes Charter School is dedicated to the total and continuous development of each student. The paramount goal in this policy is to identify and nurture innate and academic abilities.

The school emphasizes the fact that standards for pupil placement, promotion, and graduation shall be based upon basic skill achievement and satisfactory progress in the school's curricular and instructional requirements.

In order to enter the 10th, 11th, or 12th grade, a student must meet the following requirements.

HIGH SCHOOL PROMOTION REQUIREMENTS

In order to enter Grade 10	6 credits 1cr. English 1 cr. History 1 cr. Math 1 Career Pathway
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In order to enter Grade 11	12 credits 2 cr. English 2 cr. History 1 cr. Science 2 cr. Math 1 Computer Literacy 2 Career Pathway .5 cr. PE
In order to enter Grade 12	17 credits 3 cr. English 3 cr. History 2 cr. Science 3 cr. Math 3 Career Pathway .5 cr. PE
Total required for graduation	24 credits

Graduation Requirements

Traditional Academic

English /Language Arts	4
Social Studies	4
Mathematics	4
Science	3

Computer Literacy

Computer Literacy	1
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Supporting Coursework

Physical Education	1
Health	½

Career Pathways

Academic, Visual and Performing Arts, Foreign Language or Vocational- Technical Education Program	3
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Additional Academic

Coursework	3 ½
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Additional Academic, Visual
and Performing Arts, Foreign
Language and/or Vocational
Technical Education program

Units of Credits	24
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REMOVAL FROM CLASS

- If a student is sent out of class to the library or refuses to go to class twice within one day, the student will be sent home for the remainder of the day classified as an out-of-school suspension.
- If the student can't be picked up on the day in which they were sent out of class twice, then the student will serve an out-of-school suspension for the next scheduled school day.

STUDENT GRIEVANCE

Grievance is another name for a complaint. A student grievance may be presented when a student or the student's parents believe that the student has been treated unfairly. A student grievance must be submitted to the Director within ten school days from the date of the alleged infraction. Forms can be picked up from the school director's office.

A student or a student's parent(s)/guardian(s) may present a grievance. A grievance may involve the treatment of a student or relate to the treatment of a group of students. A person may not file a grievance about a situation in which he/she has no personal involvement.

STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

The Positive Outcomes Board of Directors expects students and parents to seek redress when they believe action of a support staff person, teacher, or administrator has been unfair in the application of school policy or school regulations. The issue could be related to discipline, curriculum, procedures, regulations or common practice.

An appeal should be first presented to the individual whose action is questioned or staff member who supervises the person who is the focus of the action which caused the student or parent to have a concern, complaint or grievance. The terms concern, complaint, and grievance are not defined but are used to denote issues that have varying levels of complexity and there are various ways to address issues.

Issues related to discipline or the action of a staff person should be appealed to the Director or appropriate designee.

Actions or decisions of the staff person may be formally appealed to the Director or Board of the Director's action is in question. Appeals to the Director and Board of Directors must be submitted in writing.

A formal appeal of a student suspension or other disciplinary action will cause a delay in the serving of the disciplinary action until the appeal is completed. The Director may suspend a student who has filed an appeal if the continued presence of the student is considered to present a danger to the student or other students' health, safety, or welfare. Then the Director should immediately refer the matter to the Board of Directors or designee.

Students and parents have the right to appeal decisions of the Positive Outcomes Board of Directors to the State Board of Education.

WEAPONS IN SCHOOL

The Positive Outcomes Board of Directors has determined that the possession of a weapon by a student is detrimental to the safety and welfare of students, staff and visitors.

Weapons include items such as guns, knives, explosive devices, and any implement which can cause serious injury are considered weapons with respect to this policy.

Possession and/or use of any dangerous or deadly weapon on school property, on school buses, other school transportation, or at a school activity away from school is prohibited.

Note: Possession of an aerosol self-defense spray device will not be considered a weapon unless it is displayed or discharged for any purpose other than to repel an attack outside the school building.

Possession or use of a weapon at school will result in the immediate suspension of the student and the matter will be referred to the Director. A hearing will be held to determine if a recommendation for expulsion from school shall be presented to the Positive Outcomes Board of Directors.

The Federal Gun Free Schools Act of 1994, under certain circumstances, requires a 180 school day expulsion for students who bring certain types of weapons onto school property.

TERRORISTIC THREATENING/BOMB THREATS

Terroristic threatening, including bomb threats, is a serious offense which subjects the student(s) involved to both school disciplinary action and criminal charges.

According to Delaware Code, Title 14, Section 4131, this section on Terroristic Threatening/Bomb Threats serves as notice to both parents and students that (1) individuals are prohibited from making a false statement which causes evacuation of a school or other place of assembly with penalties as specified in Title 11, Section 621 of the Delaware Code. In addition to the penalties otherwise authorized by law, any person convicted of a terroristic threatening offense shall pay a fine of not less than

\$1,000 nor more than \$2,500 (which fine cannot be suspended), and minimum community service of 100 hours; (2) individuals are prohibited from disturbing schools or destroying school property with penalties as specified in Title 14, Section 4110 of the Delaware Code, including a fine of \$20 or imprisonment of not more than 30 days,

or both; and (3) that schools are required to report such crimes as specified in Title 14, Section 4112 of the Delaware Code, including fines for non-reporting of not more than \$250 for a first offense and not more than \$500 for a subsequent offense. Terroristic threatening ranges from a class A misdemeanor to a felony, depending on the age of the perpetrator and/or the nature of the charge as specified in Delaware Code, Chapter 11, Section 621. A person is guilty of terroristic threatening when: (1) The person threatens to commit any crime likely to result in death or in serious injury to person or property; or (2) The person makes a false statement or statements:(a) Knowing that the statement or statements are likely to cause evacuation of a building, place of assembly or facility of public transportation; or (b) Knowing that the statement or statements are likely to cause serious inconvenience;

DISCIPLINE

Discipline is intended to foster student growth while assuring each student an acceptable environment in which to learn. In keeping with the philosophy that discipline is a means of teaching and that most effective teaching is done in a positive manner, disciplinary efforts are to be as positive as possible. Positive means of working with students include individual discussion and counseling; involvement of students in defining acceptable behavioral standards; involvement of the parent in cases where a student has repeatedly exhibited lack of responsibility or of self-discipline.

When positive efforts have not succeeded in correcting a student whose behavior interferes with the learning environment, the following corrective measures are authorized:

- suspension of the pupil in accordance with the Board regulations;
- exclusion of the pupil in accordance with the Board regulations;
- other disciplinary actions to include, but not limited to probation, detention, fees and fines.

The student has the right to be informed of the reasons for corrective measures taken. Corrective measures should always be based on the need to assist the student to understand that modification of behavior is necessary for the student to be successful at school.

CORPORAL PUNISHMENT

No teacher, administrator, official employee, or agent of the Positive Outcomes Board of Directors may subject a student to corporal punishment. Corporal punishment means the intentional infliction of physical pain which is used as a means of discipline. Corporal punishment includes, but is not limited to, paddling and slapping, when used as a means of discipline.

This policy does not prohibit a teacher, administrator, official employee, or agent of the Positive Outcomes Board of Directors from (1) using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person; (2) using reasonable and necessary force to obtain possession of a weapon, or other dangerous object within a pupil's control; (3) using reasonable and necessary force for the purpose of self-defense or the defense of others; (4) using reasonable and necessary force for the protection of property; (5) using reasonable and necessary force to prevent a pupil from inflicting harm on himself or herself; (6) using reasonable and necessary force to protect the safety of others; or (7) using reasonable and necessary force to maintain order and control (SB15, 142nd General Assembly).

IN DETERMINING WHETHER OR NOT AN EMPLOYEE OF POSITIVE OUTCOMES CHARTER SCHOOL WAS ACTING WITHIN THE ABOVE EXCEPTIONS, DEFERENCE SHALL BE GIVEN TO REASONABLE, GOOD FAITH JUDGMENT MADE BY AN OFFICIAL OR EMPLOYEE OF THE SCHOOL BOARD.

DETENTION OF STUDENTS

Detention is an extension, modification or additional day(s) added to the student's schedule for disciplinary purposes. The Positive Outcomes Board of Directors is of the opinion that detention is an important disciplinary action which can be effective and supports the use of detention as one way to hold students accountable for inappropriate behavior.

For minor infractions of the Code of Conduct or other policies and regulations, teachers or administrators may use detention. There are several types of detention which may be used.

While in detention, a student may be expected to:

- be engaged in meaningful academic activities
- be engaged in school/community service activities
- assigned to a specified area for a period of time

Except for recess and lunch time detention, detention will not be scheduled on the day it is assigned unless parents agree to the scheduling.

Detention shall be under the supervision of an administrator, teacher, or instructional aide.

Notice to Parents: When detention is assigned which will affect transportation, the Director or teacher assigning the detention shall notify the parent. This will be done by verbal message delivered by the student, telephone, or memo mailed to the parent so alternative transportation can be arranged by the parent.

SUSPENSION OF STUDENTS

The Code of Delaware gives the School Board the power to suspend students and the authority to confer this power on members of the professional staff. At Positive Outcomes Charter School, the Director, Counselor, Special Education Coordinator and those teachers identified by the Director are authorized to temporarily suspend students from school, school-related activities, or transportation. The following are examples (not an all-inclusive list) of unacceptable behavior that, depending upon circumstances, could result in the student being temporarily suspended or expelled from school:

- fighting, assaults, threats, acts of harassment, or verbal abuse directed toward a student, school employee or visitor to the school
- use of profanity, obscenities, or immoral acts
- use of tobacco
- creating a false emergency
- terroristic threatening/bomb threat
- theft
- truancy and excessive tardiness
- refusal to follow the directions of school staff or those in authority
- failure or refusal to follow district policy or school regulations
- intentional or malicious destruction of property
- possession or use of alcohol, narcotics, or other controlled substances
- possession of weapons
- acts which endanger the safety of oneself or others
- acts which disrupt the educational environment
- misuse of electronic equipment
- plagiarism
- violation of the District's Acceptable Use Policy

Parents and students should be aware of the fact that, under certain circumstances, school officials are obligated to inform law enforcement agencies of some of the behavior described above. In addition, legal action may be instituted by school officials or by the State's attorney.

Note: 1) There are specific limitations on the use of suspension for students identified as eligible for special education services.

2) The infractions listed above are examples of unacceptable behavior. If serious enough, more severe disciplinary action, including expulsion, could result.

PROBATION OF STUDENTS

Students who have been involved in an infraction of school rules may be placed on behavioral probation.

The Positive Outcomes Board of Directors or Director may place a student on probationary status as part of a disciplinary action for dealing with student disciplinary matters. The conditions of the probationary status will be presented to the student and parents in written form.

Probation will be for a definite time period during which critical examination and evaluation of the student's progress will take place.

During the probation period, the student may be denied the privilege of participation in or attendance at some or all extra-curricular activities. At the close of the probationary period, the individual case will be reviewed and the student may regain all privileges.

If the student is further involved in an infraction of school rules during the probationary period, the student will be suspended or denied certain extra-curricular privileges under the stipulations set forth in the probationary agreement.

The parent will be notified by the Director that a student is being placed on behavioral probation, including the length of the period, the terms of the probation, and the possibility of suspension if the student is found in further violation of school rules during probation.

EXPULSION/EXCLUSION OF STUDENTS

The Code of Delaware gives the Positive Outcomes Board of Directors the power to expel students from school.

A student whose misbehavior or misconduct is considered to be "grossly inappropriate" in the area of morality, violation of school policy/regulations, or whose continued attendance is considered to be detrimental to the best interests of the school, may be expelled from school. Such action shall be by the majority vote of the members

of the Positive Outcomes Board of Directors following a hearing to determine the severity of the alleged misbehavior or misconduct.

The expulsion of the student shall be considered only after a thorough examination of the facts in the matter at a disciplinary hearing. Disciplinary hearings shall be scheduled by the Director when, in the Director's opinion, the expulsion of the student is one of the viable alternatives for the case under consideration.

Students expelled from school shall be considered for readmission only by the Positive Outcomes Board of Directors. The procedures for readmission shall be forwarded to the parents of the student in the letter of expulsion.

Note: 1) Students expelled from the regular programming may be eligible for an alternative program. In some instances, placement in an alternative program is a state mandate.

2) Expelled students or students attending alternative school are prohibited from being on Positive Outcomes Charter School property at any time during the duration of the expulsion without the written consent of the Superintendent.

VIOLATIONS AND DISCIPLINARY ACTIONS

The glossary is not all-inclusive. A student committing an act of misconduct, which is not listed, may be subject to disciplinary action. If a student commits an act that constitutes a crime under Delaware law, such a student is subject to discipline, which may include expulsion in an appropriate case. Criminal activity outside the school environment can also be cause for disciplinary action by the school against a student, if the behavior could reasonably pose a threat to the orderly functioning of the educational process or a danger to the health, safety, and welfare of other students, employees, or school property. In a situation involving unique or severe offenses which pose a threat to the orderly functioning of the educational process or which pose a danger to the health, safety, and welfare of other students, employees, or school property, the director shall refer

the matter directly to the Board with a recommendation for expulsion or other removal from the school.

If there are required disciplinary actions for a violation, such discipline shall be imposed. In addition to the required disciplinary actions, the school Director may impose approved optional disciplinary actions if he/she concludes that additional consequences are warranted.

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

COMBINATION OF OFFENSES

In single instances where more than one violation of the Code occurs prior to disciplinary action given, the student may be dealt with at the highest level and may be given the most severe action allowed for any of the offenses committed. In separate incidents of violations of the Code, offenses cannot be combined prior to disciplinary action in order to determine the appropriate level and action for the latest offense. Offenses are to be considered separate, except as may be provided elsewhere in this policy. If several separate instances of the same offense occur prior to disciplinary action, all of the offenses should be processed at the appropriate level of action specified for each violation.

POCS reserves the right to handle more severe or repetitive behaviors in an appropriate manner in which we see fit.

GLOSSARY OF CODE VIOLATIONS

- 1) **Leaving school without permission**-Student is off school property, without the knowledge and consent of parents or guardians, or the Director.
- 2) **Possession of tobacco or related materials**-The School bans the possession, display or use of tobacco and tobacco related materials (INCLUDING LIGHTERS AND MATCHES) by students in buildings and on school grounds at any time. Display/possession of these materials by students is prohibited and any of this material will be confiscated.
- 3) **Smoking or use of tobacco or related materials**-Use of cigarettes (lit/unlit) and/or other tobacco-related materials in buildings and on school grounds at anytime.
- 4) **Class cutting**-Missing 10 or more minutes of a single class without cause. Students must have prior written approval from sending and receiving staff for arrangements to miss an assigned class to attend another class during that time.
- 5) **Defamatory or demeaning actions**-Actions or remarks, spoken or written, by students that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or religious beliefs, family, sexual orientation, social or cultural background.
- 6) **Disobedience/ defiance**-Refusal by a student to comply with a legal and reasonable request given by school personnel.

- 7) **Forgery**-To make something false for the purpose of deception or fraud; to alter something for the purpose of deception. (This would also include verbally giving a false name.)
- 8) **Dress Code Violations**-To continue to wear inappropriate attire that falls outside of the approved student dress code.
- 9) **Loitering, unauthorized area**-Being in an area without legitimate purpose. / Being in an area prohibited to the student, at the time.
- 10) **Lying**-Intentional distortion of the facts.
- 11) **Use of Electronic Communication Devices** – See definition on Page 9 of this handbook
- 12) **Missing detention**-Not showing up for a detention without prearranged permission.
- 13) **Threatening**-Physical or verbal behavior, the intent of which is to cause alarm in another
- 14) **Open display of affection**-Hugging, kissing, or open sexual display.
- 15) **Obscenity toward staff**-Use of abusive / profane language directed toward staff.
- 16) **Refusing to serve detention**-Missing an assigned detention or verbally refusing to attend detention
- 17) **Profanity/ Abusive language**-Abusive language is written or spoken language or material that is offensive, obscene or vulgar.
- 18) **Teasing**-Behavior designed to annoy, intimidate, humiliate, or offend another person.
- 19) **Disrespect**-To use bold, rude, disparaging remarks to a staff member.
- 20) **Intent to Harm**-Physical action, the object of which could cause injury to one's self or others
- 21) **Horseplay**-Rough physical play that could cause injury to one's self or others
- 22) **Throwing objects**-Throwing any object in school, classroom, or play areas
- 23) **Aggravated assault**-Assault with a weapon or dangerous instrument. Possession of a weapon or dangerous instrument and assault are serious violations of school policy. Expulsion will be considered on a first violation.
- 24) **Assault and battery**-An unlawful physical attack resulting in injury to another. **NOTE:** Any unprovoked physical attack causing injury to school personnel will result in recommendation for expulsion on the first offense.
- 25) **Breaking and entering**-The illegal and unauthorized entry into school buildings, property or vehicles.
- 26) **Electronic devices**- See definition on Page 9 of this handbook.

- 27) **Extortion**-Obtaining or attempting to obtain money, goods or information from another by force or threat of force.
- 28) **Fighting**-Aggressive, physical contact between two or more people exchanging blows. Violence will not be tolerated in school. Serious acts of aggression and/or second violations will result in a minimum 5-day suspension and referral to the office for consideration of assignment to alternative placement and/or expulsion. The police may be notified.
- 29) **Gambling**-Participation in games of chance for money or other things of value on school property or at school sponsored events.
- 30) **Harassment**-See definitions beginning on page 31.
- 31) **Offensive touching**-Intentionally touching another person, either with part of the body or with any instrument, thereby causing offense or alarm to the other person. In cases involving students offensively touching school personnel, a HB 322 report will be filed and referral made to the Delaware State Police for investigation with the possibility of charges being filed.
- 32) **Possession of a weapon or dangerous instrument**-Possession of a weapon or dangerous instrument, or a toy that looks like a weapon or dangerous instrument is a serious violation of school policy. Students are not permitted to bring objects to school, which could cause physical harm to another person. Anyone who brings a weapon to school or any school activity and/or threatens a fellow student or school employee with any type of dangerous or deadly weapon shall be immediately removed from school pending expulsion, and the matter will be turned over to the police for prosecution.
- 33) **Provoking a fight, threatening, menacing**-Instigating other(s) to fight through one's verbal or physical activities
- 34) **Reckless driving**-Driving any vehicle on school property or while under the jurisdiction of school authority in an unsafe manner.
- 35) **Alcohol/ Drugs**-Use, possession or consumption of alcohol or drugs on school property or while involved in any school activity.
- 36) **Serious criminal offenses occurring in or on school grounds or at school sponsored activities**-Including but not limited to all felony offenses, arson, robbery, burglary, felony theft offenses, unlawful imprisonment, kidnapping, extortion, sexual exploitation of children, pornography, terroristic threatening of school personnel, threat against school, rape, indecent exposure, unlawful sexual contact, penetration or intercourse, fraud offenses, forgery offenses, riot or inciting to riot, unauthorized access, theft of services or equipment, interruption of services, alteration, deletion tampering, or destruction of computer hardware or software as defined in 11 Del.C., subpart (k) p 931-939. Criminal behavior is a serious violation of school policy. Expulsion will be considered on a first violation.
- 37) **Sexual misconduct**-Any touching of a sexual nature, either consented to or not, while on school property; attempting to engage or engaging in sexual activity on school property or at school sponsored activities.

- 38) **Skipping school**-Failure to attend school, without parental knowledge and written consent. Leaving school grounds without permission.
- 39) **Stealing, possessing, transferring stolen goods**-The act of taking, possessing, or transferring the property of another without consent of the owner.
- NOTE: The School is not responsible for a student's property which is lost, damaged or stolen on school property or at school sponsored activities.
- 40) **Vandalism**-The willful or malicious destruction of school property or the property of others.
- 41) **Misuse of School supplies/equipment**-Using materials or equipment without permission, in an inappropriate manner, or in violation of school rules.
- 42) **Bullying**-Bullying means when one person, or a group of persons, targets another person with repeated direct or indirect negative actions over a period of time, which are harmful to the target either emotionally or physically. A negative action occurs when a person knowingly inflicts, or attempts to inflict, physical or emotional injury or discomfort upon another person.
- 43) **Bus Violation**-Any behavior in violation of Bus Policy listed earlier in this handbook.

MANDATORY REPORTING TO POLICE

HB 322 was enacted by the Delaware State Legislature in 1993. It is a mandatory reporting process through which certain crimes committed by students on school property and school buses must be reported to the State. The primary purpose of this law is to make available data on how often these crimes are committed on school property (and school buses). A report must be filed if reportable offenses occur. These include, but are not limited to:

- assaults and extortion involving students with students
- assaults, extortion, offensive touching and terroristic threatening involving students, parents or guardians with school employees.
- possession of controlled substances, dangerous instruments, or deadly weapons.
- other crimes such as felonies, sexual crimes, abuse, organized gambling, etc.

SEXUAL HARASSMENT BY SCHOOL STUDENTS

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the Civil Rights Act of 1964, which protects persons in the work place, and Title IX of the Education Amendments of 1972, which protects persons from discrimination at school. Sexual harassment can be defined as any unwelcome attention of a sexual nature that interferes with a person's work (school) performance or creates a hostile, intimidating work (school) environment. It may include, but is not limited to: demeaning remarks about one's clothing, body, or sexual activity based on gender; unnecessary touching, patting, or pinching; leering at another person; demanding sexual favors accompanied by threats relating to job or school performance and evaluation, and physical assault.

It is important to remember that no person deserves to have his/her individual freedoms violated and those persons who have experienced sexual harassment often feel guilty, angry, powerless, and fearful.

The following are examples of some types of actions that may constitute sexual harassment, whether the harasser is another student or adult:

- written contact--suggestive or obscene letters, notes, invitations, graffiti, and electronic messages of a sexual nature.
- visual contact--sexually suggestive looks or gestures, displaying sexually suggestive or explicit objects or pictures, cartoons, photographs, electronic images, posters, magazines, or other materials.
- verbal contact--sexually suggestive gestures or obscene comments including, but not limited to, those about person's body, body parts, or sexual characteristics that are used in a negative or embarrassing way;
- verbal advances or sexually explicit statements, which may take the form of threats, jokes, teasing, phone calls, or pressure for sexual contact or favors.
- physical contact--uninvited and intentional touching, blocking, or cornering of a person's freedom of movement; pinching, patting, invasion of the person's privacy by leaning over his/her or brushing up against the other person's body; or actual sexual contact, assault, or rape.
- retaliation--any action taken or threatened against another person for complaining about any of the behaviors described above.

If you believe you are the subject of sexual harassment or if you become aware of an instance of sexual harassment you should report the circumstances immediately to a teacher or the Director of your school, to a parent or guardian, or to any employee of the school who is in a position of authority.

Persons are urged to report violations of this policy and no one will, in any way, use threats, coercion, or intimidation to prevent a person from reporting sexual harassment. All complaints made to school staff must be reported to the Positive Outcomes Charter School Director.

Upon receiving notice of a complaint of sexual harassment concerning a school student, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible.

A school student who is found to have committed sexual harassment toward another student or staff member will be subject to disciplinary action; all reports of sexual harassment will be actively and diligently investigated, and appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type disciplinary action taken will depend upon the seriousness of the offense committed and may include the giving of reprimand or warning, the placing of the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives.

Follow-up inquiries may be made to ensure that sexual harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

HARASSMENT OR MISCONDUCT BY STUDENTS BASED UPON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION, SEXUAL ORIENTATION, OR SIMILAR CHARACTERISTIC

Harassment or misconduct that is based upon a person's race, national origin, disability, religion, sexual orientation, or similar characteristic by a student directed against or toward another person that occurs on the school premises or at school activities off the school premises is a form of conduct which is prohibited.

Such harassment or misconduct shall include, but is not limited to:

- Any assault, offensive touching, menacing, or reckless endangering of another person that is motivated by the victim's race, national origin, disability, religion, sexual orientation, or similar characteristic.
- Oral or written words communicated by any student to another person that attack, degrade, stereotype, or offend based on the person's race, national origin, disability, religion, sexual orientation, or similar characteristic.
- Any oral, written, or symbolic communication that can reasonably be perceived and considered as offensive, including slurs, jokes with negative connotations, apparel decorated with negative or degrading words or symbols, negative stereotyping, or other communications that are based upon race, national origin, disability, religion, sexual orientation, or similar characteristic.
- The use of threats, coercion, or intimidation to prevent a person from reporting such harassment or misconduct as set forth in the bulleted points above.

If you believe you or another person is the subject of such harassment or misconduct or if you witness such actions or communication in general, you should report the circumstances immediately to a teacher or the Director

Persons are urged to report violations of this policy and no one will in any way use threats, coercion, or intimidation to prevent a person from reporting harassment. All complaints made to school staff must be reported to the Positive Outcomes Charter School Director.

Upon receiving notice of a complaint of harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, an investigation will be conducted as soon as possible. Confidentiality of the person and/or witnesses to the prohibited conduct will be maintained to the fullest extent possible.

A school student who is found to have committed harassment or misconduct based upon race, national origin, disability, religion, sexual orientation, or similar characteristic, will be subject to appropriate disciplinary action, and all reports of such harassment or misconduct will be actively and diligently investigated. Appropriate action will be taken consistent with the provisions of the student disciplinary code and/or state law. The type of disciplinary action taken will depend upon the seriousness of the offense committed and may include placing the offending student on probation, suspension, expulsion, or imposing other disciplinary alternatives.

Follow-up inquiries may be made to ensure that harassment has not resumed and that the complainant and witnesses have not suffered retaliation for their actions.

POSITIVE OUTCOMES CHARTER SCHOOL BULLY PREVENTION POLICY

Positive Outcomes Charter School (hereinafter referred to as "Charter School") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The Charter School strives to provide safe learning environments for all students and all employees. The sections listed below comprise the majority of the Bully Prevention Policy; however, this is not

the complete policy. These sections are provided below as the basic tenets of the school's policy.

I. Prohibition of Bullying

To further these goals and as required by 14 Del. C. 4112D, the Charter School hereby *prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grades kindergarten through grade twelve. The Charter School further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.*

"School function" includes any field trip or any officially sponsored public or charter school event in the State.

"School property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.

II. Definition of Bullying

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

- A. *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.*
- B. *Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or*
- C. *Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or*
- D. *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.*

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/throwing objects at someone, gesturing, etc.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening

Relational Bullying: Isolation of an individual from his or her peer group, spreading rumors.

Cyber-bullying: Bullying by using information and communication technologies. Cyber-bullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass,
2. Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,
3. Exclusion: isolating an individual from his or her peer group,
4. Impersonation: Using someone else's screen name and pretending to be them
5. Outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other district policies or building, classroom or program rules.

III. Reporting Requirements

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously.

A. *Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the administration.*

1. Initial Concerns
 - a. Staff members are encouraged to watch for early signs of bullying and stop them before they worsen.
 - b. Even though there has been no report of bullying to a staff member, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom inappropriate comments are made by other students, or who show signs of peer victimization.
 - c. To confirm their concerns the staff member may choose to take the following steps:
 - i. Intensify observations of student in question

- ii. Confer with colleagues about that student
 - iii. Consult the school's bullying intervention flip chart
 - iv. Take an informal survey of students about class climate
 - v. Engage in short personal interviews with some students
 - vi. Conduct a brief sociometric survey
 - vii. Contact the parent to see how student likes school
 - viii. Speak privately with the victim
2. Written Report
- a. If measures confirm the staff member's concerns that a student is being bullied, if a staff member receives a report of a bullying matter, or if a staff member observes a bullying incident, they must inform the person designated by the administration immediately and in writing within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:
 - i. Persons involved, designating bully, target, and bystanders roles.
 - ii. Time and place of the conduct and alleged, number of incidents.
 - iii. Potential student or staff witnesses.
 - iv. Any actions taken.
 - b. Short, easy to use forms can be obtained from the director or his designee.

IV. Investigative Procedures

A. *The charter school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred.*

1. All complaints must be appropriately investigated and handled consistent with due process requirements.
2. Each principal will designate a person or persons to be responsible for responding to bullying complaints.
3. Neither complainant nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. However, efforts should be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person will make efforts to document the bullying from several sources. This prevents the bully, when confronted, from assuming that the victim is the complainant. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities.
4. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, the designated person will review the complaint in conjunction with any other related complaints. Reasonable steps will then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.
5. Once the administrator has confirmed that a person has been the victim of bullying, the administrator will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The administrator will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.

6. After identifying those who committed the act or acts of bullying, the administrator will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The bully will be informed that graduating consequences will occur if the bullying continues.

7. The administrator will keep a written record of the bullying incident, and any disciplinary actions taken. The administrator will keep any written statements of those committing the bullying, victims and witnesses. Discussions with all parties should be documented as soon as possible after the events. The school will not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.

8. A follow-up will be completed two weeks later to determine whether the bullying has continued, and whether additional consequences are needed. An additional follow-up will occur in two months, regardless of whether new incidents have been reported.

9. Each confirmed incident must be recorded in the School Register of Bullying Incidents.

B. *All confirmed bullying incidents must be reported to the Department of Education by the principal or his designee within five (5) working days pursuant to Department of Education regulations,*

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

V Consequences For Bullying

Consequences for bullying should be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences should be disagreeable or uncomfortable but should not involve revenge or hostile punishment. For the 2008-2009 school year consequences will be applied as listed by the POCS discipline matrix; however, consequences may be increased based on the seriousness of the bullying incident.

VI. Reporting Procedures

A. *The procedures for a student and parent, guardian or relative caregiver pursuant to § 202(f) of this Title or legal guardian to provide information on bullying activity will be as follows:*

1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.

2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will make an effort to provide the child with a practical, safe, private and age-appropriate method of doing so.

3. A letter box will be placed in a place or places selected by the committee, so that students who feel unable to talk to any staff can have a point of contact. Information found in the box must be treated with care and a staff-member or members will be designated to be responsible for this information. Blank "Bullying – request for support forms" will be available to all students, but are not required for a report.

4. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:

- a. Conduct involved
 - b. Persons involved, designated bully, target, and bystanders' roles
 - c. Time and place of the conduct alleged, number of incidents
 - d. Names of potential student or staff witnesses.
 - e. Any actions taken in response
5. Short, easy to use complaint forms can be obtained from the director or school office.
 6. An electronic system will be established whereby students can email anonymous complaints of bullying that only designated persons will have access to.
 7. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.
 8. The director will designate a person or persons responsible for responding to bullying complaints.
 9. Every identified complainant who files a written complaint with a staff member will receive a written explanation of results to the extent that it is legally allowed and be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms will be made available.
 10. Every confirmed bullying incident will be recorded in Eschool plus system This will give an indication of patterns which may emerge of both bullies and victims.

VII. Anonymous Reports

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

VIII. Notification of Parents

A Parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

IX. Retaliation

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

X. Other Defenses

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

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

XI Relationship to School Crime Reporting Law

An incident may meet the definition of bullying and also the definition of a particular crime under State or federal law. Nothing in this policy shall prevent school officials from fulfilling all of the reporting requirements of § 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting

requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law

DRUG, ALCOHOL, AND STEROID POLICY

The Positive Outcomes Charter School believes that drugs, alcohol and steroids have no place in the school environment and should be prohibited. This policy reflects the desire and intent of the School to adopt a policy of "zero tolerance" tempered by the desire to encourage Positive Outcomes Charter School students with substance abuse problems to come forward and seek help with treatment and counseling. Students must understand that state and school policies shall apply to all students except that with respect to students with a disability, the Federal Law will be followed and a determination of whether the violation of the alcohol policy was due to the student's disabling condition will be made prior to any discipline or change of placement connection with the policy.

The objectives of this policy are fourfold:

- To promote student awareness and education concerning the dangers of substance abuse in the school.
- To make known the availability of drug and alcohol counseling, rehabilitation and student assistance programs.
- To provide a fair and equitable framework for administering consequences to students who violate the policy.
- To provide prior notice to all students of the school's feelings that the use of drugs, alcohol or steroids in the school environment is destructive of the educational process and will not be tolerated.

The following policy on the possession, use or distribution of drugs and alcohol shall apply to Positive Outcomes Charter School.

The Board recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the whole school community. The Board, accordingly, prohibits the possession, use and/or distribution alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia because they are wrong harmful to students.

The Board considers offenses related to drugs and alcohol very serious both for the individual involved and for the welfare of other students in the school. Therefore, the following rules and regulations have been developed:

- Any 7-12 student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance or alcohol, a look-alike substance and/or drug paraphernalia while on school property or at a school-related activity will be investigated by the director of the school. The director of the school may refer to the Board by the Director for an expulsion hearing. The investigation leading to the recommendation for expulsion will be conducted at the school level by the discipline team led by the director or designee. In cases involving special education students, the Board may, at its discretion, waive a hearing and accept the recommendation of the Child Study Team of the school.
- The act of expulsion shall be taken in accordance with due process rights and on the documented evidence presented the administration. The student will be expelled for a term not to exceed one calendar year and credit will not be given for courses in which the student is currently enrolled. An expelled student may be permitted to reenter school at the end of the term of expulsion and upon Board approval, and may be placed under a behavior contract agreed upon by the director and the student and parent(s).

- Students in grade twelve who are expelled from school for offenses related to substance abuse will be granted a waiver to attend the James H. Groves School if they are enrolled in a substance abuse counseling program accepted by the Positive Outcomes Charter School and receive favorable monthly reports.
- Students in grades nine through twelve who are expelled from school for offenses related to substance abuse may earn up to three credits through accepted alternative programs if they are enrolled in a substance abuse counseling program accepted by Positive Outcomes Charter School and receive favorable monthly reports. Three credits from alternative programs are the maximum accepted by the state that can be applied toward a diploma.
- All violations of this policy are to be immediately reported to the school director who will verbally notify the student's parent(s) of the investigation. In all cases, the Youth Aid Division of the Delaware State Police will also be contacted. At all times the student's due process rights and confidentiality rights are to be respected, and after an informal hearing with the student, the director has the authority to suspend the student for up to ten school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the director. If the violation will result in a recommendation for expulsion, the director will so notify the student's parent(s) in writing and identify the time and place of the student's hearing before the school Board. This hearing before the school Board should be held within ten school days from the beginning of the student's suspension. If an exception is made to the time line, the school Board will provide homebound instruction to the student until such time as the Board can convene to hear the student's case.
- All alcohol, drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the director or designee and be made available, in the case of a medical emergency, for identification. All substances shall be sealed and documented and turned over to the police as potential evidence. A request for analysis shall be made where appropriate.
- Students of majority age, i.e., age 18 or older, are responsible for their own actions. All such students will be treated as adults for purpose of reporting violations of this policy and of the law to the police. Such students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student's actions in accordance with this policy.
- Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, she/he shall be suspended from school for a minimum of five days and suspended also from all participation in extracurricular activities, including sports and bands, for the remainder of the school year. Any student who violated the above policy more than one time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and band, for one calendar year from the date of the second incident.

This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Positive Outcomes Charter School Board. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Positive Outcomes Charter School Discipline Policy.

All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are those prescribed to a student by a licensed physician or that which can be purchased over the counter and for which the student has written permission from his/her parent or guardian. Both are to be brought in the original labeled container to the school environment in the dosage or amounts prescribed, or for which written permission has been obtained. In all cases, they are to be delivered to the school nurse and administered as per the physician's/parent's/guardian's written order. Medication needed for asthma, such as, an inhaler is permitted to be carried on the person.

Violations of the policy may result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

The Board realizes that a policy that supports the recommendation of expulsion on the first offense for all drug and alcohol violations may have some undesired consequences because when a student is out of school for any reason, both the school and student are not fulfilling their primary purpose. However, an overriding consideration in proposing expulsion is the desire and need to provide as safe and positive an environment as possible for all students in the school, which sometimes necessitates the removal of students who commit certain serious offenses.

Any student who feels that she/he has a problem with drugs or alcohol may request help from school personnel who will offer assistance, assessment and/or identify appropriate outside resources without penalty unless a violation of this policy has occurred. No record of the request will be made by the administration. In cases involving student assistance, costs for such treatment are the responsibility of the parent, but the school administration will be an active partner at the parent's request in securing help of a limited cost nature.

The Board is committed to developing preventative strategies for dealing with this issue through counseling effort instructional programs and many other related activities. As one part of this program each year, this policy will be reviewed by the school administration with the total student body at the beginning of school. In addition, this policy will be reproduced in the student handbook and distributed to each school family with students in school. The Board has also designated the student advisor as the contact for students in need of counseling/treatment services. Issues involving student rights to services or confidentiality should be directed to the director. Each school contact person will keep a directory of available community and school resources for counseling and substance abuse treatment. It will be the responsibility of the contact person to work with staff to make them aware of available resources and to help them to encourage students to seek support and assistance.

NONCONTROLLED SUBSTANCES

The act of possessing or transferring a drug-like or look-alike substance (includes all substances, which fall under the definition set forth in the Uniform Controlled

Substance Act 16 Del. D. 4701 et seq.) shall constitute intent to use, possess, or distribute if any of the following conditions is present:

- The express representation that the substance is a controlled substance; or
- The express representation that the substance is of such nature or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substance; or
- Circumstances that would lead a reasonable person to believe that the substance was a controlled substance. It is prima facie evidence of such circumstances if any two of the following factors are established:
 - The non-controlled substance is packaged in a manner normally used for the illegal delivery of controlled substances.
 - The delivery or attempted delivery included an exchange of or demand for money or other valuable property as consideration for delivery of the substance, and the amount of such consideration was substantially in excess of the reasonable value of the non-controlled substance.
 - The physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.
 - Once intent to use, possess, or transfer a non-controlled substance as a controlled substance is established, it shall be treated as a drug, for disciplinary purposes.

OUT OF SCHOOL CONDUCT

The Code of Conduct shall also apply to out-of-school conduct of a student if the School believes that the student presents a threat to the health, safety or welfare of other students and staff. In such cases, the School may take appropriate action including expulsion. Such out-of-school conduct shall include, but is not limited to:

- acts of violence which are punishable by law;
- sexual offenses which are punishable by law;
- the possession, sale and transfer of drugs which would constitute an offense punishable by law;
- terroristic threats against the school and/or school personnel;
- behavior that demonstrates a threat to the safety of others.

SCHOOL-POLICE RELATIONSHIPS

To ensure that both students and parents are aware of the relationship between the school and the police agencies, you are advised that school officials shall promptly report to the appropriate police agency all police matters that come to their attention, whether occurring on or away from the school premises, which involve pupils attending the particular school. The following offenses should be reported to the appropriate police agency for investigation:

- All Felonies.
- Serious assaults when a weapon is used.
- Report of explosive, knives, firearms, ammunition, fireworks or blasting caps being brought to school.
- Narcotic offenses or allegations, drinking.
- Indecent assaults on pupils or staff.
- Rape or assaults with intent to rape

- Moral offenses (pornography, exhibitionism, peeping, etc.)
- Organized gambling (numbers and pools)
- Neglect or abuse of children
- Persons or conditions, which are factors in contributing to the delinquency of a minor.
- Adults loitering on or near school property.
- Unknown person parked near school at the time pupils are going to and from school.
- Observations of reckless driving and traffic hazards endangering lives of school children.
- Telephone threats to the school
- Arson, attempted arson, or suspicion of arson
- Rumors or observations of gang rivalries or activities.
- Reports of promiscuity or incest.
- Evidence of threats or intimidation.
- Larceny involving the personal property of school personnel.
- Larceny of school equipment.
- Burglary and attempted burglary of school buildings.
- Malicious mischief and school vandalism.
- Trespassing on school property.

Police matters shall not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the schools. All school misconduct of a serious nature should be promptly reported to the parent/legal guardian of the involved student.