



PENCADDER

CHARTER HIGH SCHOOL

Student Code of Conduct

2008-2009

**If you need this material
in an alternative format,
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WELCOME TO THE PENCADER BUSINESS AND FINANCE CHARTER HIGH SCHOOL

Pencader Charter High School is dedicated to developing each student's potential for learning. To achieve this, students, parents and school staff must share the responsibility for encouraging orderly, constructive student behavior. Pencader Business and Finance Charter School is a place where the serious student achieves success.

What is the Code of Student Conduct?

The Code is an official declaration of Pencader which:

- Specifies the rights and responsibilities of students
- Defines conduct that disrupts a positive environment
- Standardizes procedures for disciplinary action
- Defines grievance procedure

Provisions in the Code apply to all students. Students and parents/guardians are presumed to have reviewed the Code and by attending Pencader, agree to be bound by its terms.

When is the Code in Force?

The Code is in force:

- On school property prior to, during and following regular school hours
- While students are on the school bus for any purpose
- At all school-sponsored events and other activities where the School has jurisdiction over students
- When a student's conduct to and from school has a harmful effect in the other students or on the orderly education process
- When a student's out-of-school conduct indicates that the student presents a threat to the health, safety or welfare of the other students and staff

What if I have a Question about the Code?

All questions about the Code should be directed to the School Leader.

NON-DISCRIMINATION POLICY

Pencader Charter High School is an equal opportunity educational institution and does not discriminate, or permit its employees to discriminate, on the basis of race, religion, color, national origin, sex, marital status, political affiliation, age, or handicap in its actions, programs, or employment practices.

For information regarding civil rights or specific grievance procedures contact:

Americans with Disabilities Act (ADA)

Section 504

Contact Helen Swartz, Director of Special Programs/Services, PENCADER BUSINESS AND FINANCE CHARTER HIGH SCHOOL. **170 Lukens Drive, New Castle, DE 19720**, Telephone (302) 472-0794.

Title VI

Contact the School Leader, Brad Catts, PENCADER BUSINESS AND FINANCE CHARTER HIGH SCHOOL, **170 Lukens Drive, New Castle, DE 19720**, Telephone (302) 472-0794.

Title IX

Contact Athletic Director, Brian Sprinkle, PENCADER BUSINESS AND FINANCE CHARTER HIGH SCHOOL, **170 Lukens Drive, New Castle, DE 19720**, Telephone (302)472-0794.

Asbestos Notification

The Code of Federal Register final rule (40 CFR 763), established in 1987 required an AHERA (Asbestos Hazardous Emergency Response Act) Management Plan to be developed with an initial asbestos inspection inclusive of bulk sampling analysis of suspected asbestos materials located within the interior. The exempt materials are inclusive of but not limited to exterior components of the building. Every three years a re-inspection is to be performed on the ACM following the initial inspection. All records are filed and maintained at Pencader Charter High School.

The results of the required bulk sampling performed by Harvard Environmental Inc. determined that no asbestos was detected on any of the specific materials subject to AHERA inspections. The management plan was completed by Harvard on 3/31/08 and is available for review upon request.

POLICIES AND PROCEDURES

ACADEMICS

Grading Policy

Grades are calculated on the numerical scale of 1-100 with the range being:
A: 100-93, B: 92-85, C: 84-77, D: 70-76, F: 70 and below. In the event of unsatisfactory progress, teachers will make every attempt possible to contact the parent/guardian personally and/or in writing to discuss the situation and to propose directions to be taken to correct the problem.

Homework Policy

Homework is an integral part of the learning process. Students must take homework assignments seriously and put forth consistent effort to complete assignments in a timely manner, to the best of their ability. Parents/guardians also must take an active role in supervising students, ensuring the students have a setting conducive to study, and encouraging students and showing genuine interest in their progress.

ATTENDANCE

Delaware State Law, which pertains to compulsory attendance, requires regular attendance for the school-age child. Pencader Charter High School requires regular and consistent attendance for all students 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:

- Illness of the child, attested to by a physician if necessary.
- The presence of contagious disease in the child's home.
- Death in the immediate family or in the home of the grandparents. Excused time will not exceed one week. Excused time allowed for funerals of other relatives will not exceed one day. Additional time may be allowed when ceremonies are held at long distances from the student's home.
- Legal business relating to or involving the student.
- Health treatment (including student pregnancy).
- Prearranged absence to visit a college or university and/or to participate in other educational experiences.
- Emergency situations as determined by the School Leader or Administrative Designee of the School Leader.
- Religious holidays

No absence will be allowed during state testing or semester exams unless approved in advance by the School Leader.

Written documentation from 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/guardians in an emergency.
- Parent's/guardian's signed note.

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 a reasonable period of time as determined by the teacher and student. 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 School 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 School Leader or Administrative Designee.

Students who do not report to school and have no valid reason, will be considered truant

ATTENDANCE RECORDS

The School Leader 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 School Leader and student advisor whether to refer the student and parents to the legal system, Pencader Charter High 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 in any class for which they have accumulated 26 or more absences, absent documented medical condition causing the absences.

The School Leader, in cases of severe family hardship or student illness, may make exceptions to Pencader Charter High School attendance policy.

BOOK BAG/PURSE POLICY

Pencader Business and Finance Charter High School presumes a student possesses and is responsible for all items in a students' book bag, purse, locker, or similar bag or container used to carry books or personal property.

Students have the right to privacy to their personal possessions, unless the School Leader or Designee has a reasonable suspicion of a students' possession of alcohol, drugs, drug like substance, drug paraphernalia or of a student's unauthorized possessions of the following items: 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.

All students are permitted to carry book bags, or purses through out the school day. No book bags with cartoon characters or obscene wording on them is permitted.

Book Bags are subject to search under the following conditions:

- 1) Pencader Business and Finance Charter High School staff member has reasonable suspicion that a search should be made for the welfare of the student and/or school.
- 2) Upon presentation of a warrant.
- 3) With the permission of the student after he/she has been appraised of constitutional rights.

BUS POLICY

Safety is the number one concern as students are being transported to and from school or to school sponsored activities. Safety requires the cooperation of students, parent/guardian and Pencader Charter Staff members. Parents/Guardians should review and discuss the rules with their children in efforts to make the school bus environment as safe as possible.

Students have the responsibility to abide to all bus rules and regulations. Failure to abide by the rules and regulations of the bus may result in a student being suspended off the bus or denial of bus transportation. Incidents in a serious nature will be sufficient grounds for the School Leader or Designee to suspended a student off the bus or deny bus transportation.

Bus Rules

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

1. Students must listen to the driver and follow the driver's directions. The driver has the authority of a classroom teacher.
2. If crossing the street to board the bus, students **MUST** look both left and right for cars, make sure the **RED** lights are flashing, and wait for the driver's signal to cross. Always cross the street in **FRONT** of the bus.
3. Before boarding and after exiting the bus, students must keep a safe distance from the bus. Keep at least 10 feet away from the bus.
4. Students are to enter the bus promptly, immediately take their seats, and remain seated whenever the bus is moving.
5. Students are to conduct themselves on the bus in such a way that will not distract the driver. Distracting the driver puts everyone on the bus at risk.
6. Students must remain properly seated at all times. (Back to back; bottom to bottom; book bag on the lap).
7. Outside of ordinary conversation in a normal tone, classroom conduct is to be observed when on the bus. The driver has authority to prohibit any conversation.
8. Students must remain out of the driver's seat and refrain from unnecessary conversation with the driver while the bus is in motion.

9. Students are not to touch the emergency equipment on the bus (emergency doors, windows, roof hatches, body fluid/first aid kits, 2-way radios, etc.) except as directed by the driver or during an actual emergency.
10. The bus windows should not be opened without permission from the driver.
11. Students are to keep all body parts inside the bus. (Hands, arms, head, hair, etc.)
12. Students are to keep their hands and feet to themselves. (No fighting; horseplay)
13. Students are not to eat or drink while on the bus.
14. Students are not to throw objects of any kind either inside the bus, out of the bus, or around the bus.
15. Students should help keep the bus clean, sanitary, and orderly. They must not damage or abuse bus seats or equipment.
16. Students are not to use abusive language or profanity, obscene or rude gestures, or spit while on the bus.
17. Students may NOT bring large musical instruments, any animals, balloons, glass containers or objects, or large school projects onto the bus.
18. Students are not to leave the bus without the driver's permission, except on arrival at their assigned bus stop or at school.

Note: Students must ride the assigned bus to and from the assigned stop. Switching buses for any reason is strictly prohibited unless approved by the School Leader or Designee. The student must bring in a signed note from the parent/guardian stating the reason why he/she must ride another bus.

DRESS CODE

Students have a better attention span and do better in school when they are neatly dressed and not distracted by personal appearance, thereby creating an atmosphere for serious learning. Although the school will administer discipline for violations of the dress code, the ultimate responsibility for ensuring that students comply with the dress code lies with parents/guardians. Each parent/guardian is responsible for purchasing the correct items of clothing to enable each child to arrive at school in the proper uniform on a daily basis. By enrolling a child at Pencader Charter High School, parents/guardians agree to support the dress code and ensure that children are dressed appropriately.

Exceptions to the policy for health reasons will be considered by the school administration with proper verification from a doctor and the parent/guardian.

Exceptions to the policy for religious reasons will be considered by the school administration with proper verification from a religious leader and the parent/guardian.

Students are expected to dress in the school uniform as follows:

- *Clothing must fit comfortably and not be tight or baggy.
- *Students must enter the building everyday in dress code and remain in dress code while in the building, with no exceptions.
- *For "gym" students will wear the Pencader physical education uniform.

Shorts/Skorts-Must be purchased through Lands End

Black or Khaki- May be worn 1st day of school until October 15th and after March 20th.

Pants-Must be purchased through Lands End

Black or Khaki

Must fit at the waist and not be excessively baggy or long.

Shirts-Must be purchased through Lands End

short or long sleeve polo - red, white with logo

long sleeve oxford - white w/logo

Shirts worn underneath must be plain white and match the length of the polo sleeve being worn.

Fleece jacket or vest-Must be purchased through Lands End

Red or black w/logo

Any shirt worn underneath the above must be an approved uniform shirt.

Belts

All black - smooth or braided leather

Shoes

Plain all black or white low top leather sneakers

Gym uniform-Must be purchased through Lands End

shorts - red

t-shirt - white w/logo

sweat pants – red w/logo

sweat shirt - red w/logo

Students out of dress code will be subject to the following discipline procedures:

- First offense: Sent to ISS until proper uniform is brought to school.
- Second offense: Sent to ISS until proper uniform is brought to school and one after school detention.
- Third offense: Sent to ISS until proper uniform is brought to school and one full day of ISS.
- Fourth offense: Sent to ISS until proper uniform is brought to school and one day of out of school suspension.

Hats/Coats:

No hats are permitted in the school at any time.

Coats and jackets are to be kept in each student's locker, except that jackets may be worn in a classroom if the supervising teacher permits it. They may never be worn in the hallways or in the cafeteria.

Hair/Makeup/Accessories:

No gothic or excessive makeup.

No contact lenses that obscure the eye.

No rings, shoes, necklaces or other accessories that glow or light-up.

No more than one necklace of less than 14 inches length. All necklaces must be worn under the shirt and not over it.

No hanging belts.

No sunglasses (unless a doctor's note is provided).

No book bags with cartoon characters or obscene wording.

Pencader Business and Finance Charter High School is not responsible for student property that is lost, stolen, or damaged on school property or at school sponsored events.

DRIVING/PARKING

Students driving to school must complete student parking contracts available in the main office.

Driving to school and parking on school property is a privilege, which may be denied.

Students who are issued parking permits accept the responsibility of adhering to school policies and safe driving practices.

To obtain a Parking Permit the following items must be present when applying:

Parking Contract & Vehicle Registration Form

Valid Delaware Driver's License

Proof of current Liability Insurance for each Vehicle Registering

Registration Fee - \$40

Rules

1. Pencader High reserves the right to revoke parking permits at any time without refund if a student fails to comply with any school policies (parking, discipline, attendance, academic, etc).
2. Parking permits are the property of Pencader Charter High School and cannot be duplicated or altered in any way.
3. Lost or stolen permits are the responsibility of the student. Replacements permits will be issued for an additional \$40 registration fee.
4. Permits are non-transferable and must be returned to the office if a student withdraws or transfers.
5. Parking permits are not considered valid unless they are hung from the rear view mirror with the printed information completely visible, no other passes or sunshields may block.
6. Parking in any location other than a designated student parking stall is prohibited (ex. Staff spaces, "No Parking" zones, handicapped spaces. red curbs, visitor spots, fire lanes, etc.)
7. Buying a parking permit does not guarantee you the same spot daily, no spots are reserved.

8. Speeding or reckless driving is prohibited and may result in loss of parking permit.
9. Pencader Charter High School is not responsible for the vehicle or its contents, and advises students to leave cars locked at all times.
10. The parking lot is a restricted area. Once parked, students should proceed immediately to the school, there is to be no loitering or visitation in the parking lot.
11. Tardiness resulting from not being able to find a parking space will not be excusable.
12. Authorized personnel who have reason to believe a search is necessary for the health, safety and protection of the students and the orderly conduct of the school may search any vehicle brought onto school property.
13. All Delaware Vehicle codes apply in the school parking lots.

Failure to adhere to the above conditions places your vehicle subject to a revocation of your parking permit, and other discipline consequences assigned by Pencader Charter High School Administration.

Pencader Business and Finance Charter High School is not responsible for student property that is lost, stolen, or damaged on school property or at school sponsored events.

EARLY DISMISSALS

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 dismissal or absence.

LOCKERS

Students will have the opportunity to use a locker for their personal belongings and books. A lock must be used by a student(s) who chooses to use a locker.

Pencader assumes that a student possesses, and is responsible for, all items found in the student's locker. Regularly check the contents of your locker. If you fail to lock your locker, or provide

others access to your locker, you remain responsible for items found in your locker.

The following rules must be adhered to by students using a locker.

- 1) Students are only allowed to use the locker that they have been assigned.
- 2) Lockers are subject to search. (See school rules on searches)
- 3) Students are not to loiter by the lockers.

Pencader Business and Finance Charter High School is not responsible for student property that is lost, stolen, or damaged on school property or at school sponsored events.

LUNCH / CAFETERIA RULES

During the lunch period students must be in the cafeteria or other space designated by the school for use during lunch. Students are free to talk quietly with those around them. Shouting and excessive movement from table to table or inside the cafeteria or outside is prohibited. Teachers/Administrators have been assigned to monitor lunch behavior. Students are expected to show respect and following any requests given by teachers or administrators. Students may not leave the cafeteria without permission from a teacher or administrator.

PERSONAL ELECTRONIC DEVICES

The use or display of any of the following on school premises during school hours is strictly prohibited:

- Cellular phones
- Pagers
- Laser pointers
- Radios/ Walkmans/ iPods/Music playing devices of any kind
- Electronic games
- Blackberrys/PDAs of any type

Other materials designated by building staff as disruptive or having the potential for causing disruption.

Pencader Business and Finance Charter High School is not responsible for student property that is lost, stolen, or damaged on school property or at school sponsored events.

POSTERS/SIGNS

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

PUBLICATIONS

Official school publications such as newspaper or yearbook should reflect the policy and judgment of the advisor and student editors. Any publications should include view points representative of the entire school community. The School Leader and/or designee may exercise editorial control over the treatment of sensitive or controversial issues and will suppress and recall literature which could disrupt the orderly operation of school.

Students have the right:

- 1) To possess, post and distribute literature which will not disrupt the school program and which adheres to school guidelines.
- 2) Apart from the limitations imposed from the school guidelines, to be free from their censorships of their publications.
- 3)

Students have the responsibility:

- 1) To use only the bulletin boards or wall areas assigned for use.
- 2) 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.

RELEASE OF STUDENT INFORMATION

Report cards test scores, other correspondence regarding the child or the school will be sent **only** to the parent/guardian with whom the child primarily resides. The parent/guardian 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.

ROLLERBLADES, SKATEBOARDS AND SCOOTERS

Students are not permitted to use skateboards, scooters or rollerblades on school property at any time. If they are used as a means of transportation for the student to get to school, they must be stored in the student's locker.

Pencader Business and Finance Charter High School is not responsible for student property that is lost, stolen, or damaged on school property or at school sponsored events.

TELEPHONES AND MESSAGES

We cannot routinely deliver personal messages and to students, and we can not call students to the telephone. Please make all arrangements at home before school. Exceptions will be made for emergencies.

VISTORS TO SCHOOL

- 1) Parents/guardians are always welcome to visit the school.
- 2) If they wish to meet with the School Leader/Administrator or Teacher they must make an appointment.
- 3) For the protection of the student body, all visitors must sign in at the main office upon entering the building and may not be permitted to walk around the building without a staff escort.

VIOLATIONS OF CONDUCT RULES

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

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

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

The School Leader or Designee shall conduct a reasonable investigation to decide whether the charged offense has in fact occurred and to establish facts, which may influence the selection of disciplinary action.

DISCIPLINE POLICY

The opportunity for education is the right of all students in our school, but education is a privilege gained only by those responsible students whose behavior and attitudes enable them to derive the most from their school years. The purpose of any disciplinary measure should be to modify or change behavior rather than to serve as punishment. In order to attempt to modify behavior, the unacceptable behavior must be identified and communicated with the parties involved. The goal of Pencader Charter is for each student to receive a serious education.

Certain procedures will be followed to ensure that each student receives fair and equal treatment:

- 1) The student must have prior knowledge of the conduct which is required of or prohibited to him/her.
- 2) He/She must be aware of specific matters giving rise to any proposed discipline.

- 3) He/She will have an opportunity to express to the decision-making authority, his/her views or rebuttal regarding the incident, including the opportunity to place a written response in the student's file together with the any incident report placed in the student's file.
- 4) The decision-making authority must base its decision on the incident or matters about which the student has been apprised as indicated above.

Parent Notification

Parents/guardians will be informed of the incident as soon as decisions regarding the appropriate response to the incident have been made by the School Leader or Designee. The parent or guardian will be notified by phone, letter, or other written notification.

Student Grievance

Grievance is another name for a complaint. A student grievance may be presented when a student or the student's parent/guardian believes that the student has been treated unfairly.

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 Grievance Procedure

When the grievance procedure is used, the following steps shall be pursued in the sequence set forth below, except where otherwise noted:

Level 1. The grievant, whenever possible, shall request a conference with the teacher or person(s) who allegedly treated the student unfairly.

Level 2. If the conference does not resolve the complaint, the grievant may talk with his/her advisor about resolving the complaint.

Level 3. If the conferences fail to resolve the complaint, the grievant may file a written grievance with the School Leader.

Level 4. The School Leader, or his/her designee, shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall render a decision, in writing, no later than five (5) school days after the grievance conference. The decision of the School Leader is subject to review by the Board of Directors.

It is understood that there are occasional sensitive situations where discussions may begin with level 2 or 3 of this process.

If the student's grievance is with the School Leader, this process may begin with contact with the Board of Directors.

Detention

Detention is held on a daily basis at a location designated by the supervising teacher. The detention period begins at 2:40 and ends at 4:00.

Parents and students are responsible for securing transportation home if students are assigned after school detention. The school will not provide transportation for students staying after school to serve detention.

Prior to detention being assigned, a student shall be given oral or written notice of the charges and be given an opportunity to tell his/her side of the story.

Students' assigned detention shall report to the designated location. Students who refuse to serve the assigned detention time or fail to show for an assigned detention shall be assigned one day of in-school suspension and the detention will be reassigned.

Suspension – In School

Prior to a suspension in school, a student shall be given oral or written notice of the charges and be given an opportunity to tell his/her side of the story.

Generally, the notice and hearing should precede the student's removal from the regular classroom. Notification shall state the cause and duration of the in school suspension.

Student's assigned in school suspension shall report to the designated location. Students who refuse to serve the assigned ISS time shall immediately begin serving the assigned time on out of school suspension.

Suspension – Out of School

Prior to a suspension out of school, a student shall be given oral or written notice of the charges and be given an opportunity to tell his/her side of the story.

Generally, the notice and hearing should precede the student's removal from school.

Notification shall state the cause and duration of the suspension. In all events, an attempt shall be made to notify the parents by telephone. Students whose parents cannot be reached by telephone will be retained at school until the end of the school day. However, if this is not feasible or if the immediate removal of the student from school is necessary to protect the safety of individuals, property, or the integrity of the educational process, the necessary notice and hearing will follow as soon as possible.

In the case of students with disabilities (as defined in the Individuals with Disabilities Education Act) all of the above procedures do apply with additional considerations as follows:

- A suspension from school for more than ten days, either consecutively or cumulatively, is

considered a change of placement if the conduct is related to the student's disability. The IEP Team will determine the relationship between the conduct and the student's disability.

- Parents/guardians must conference with the School Leader or his/her designee regarding the violations that lead to the student's suspension.

Expulsion

When a student commits a violation that may result in a recommendation for expulsion, the following procedure shall be followed:

STEP I

The student shall be suspended for up to ten (10) days.

The School Leader shall investigate all aspects of the discipline problem, including a conference with the student and his/her parents or guardians if possible, at which time the student will be informed of the charges and afforded an opportunity to tell his/her side of the story. If possible, this conference shall be held prior to the student's suspension.

The School Leader shall normally complete the investigation within three school days of the incident under investigation.

If after the investigation, the School Leader concludes that the student committed the offense and that the nature of the offense warrants a recommendation for the expulsion, the School Leader shall make such a recommendation in writing to the Board of Directors. The recommendation must be accompanied by a summary of the School Leader's investigation.

STEP II

Within seven (7) school days from the first date of suspension for the incident giving rise to the expulsion recommendation, notify the student and the student's parents or guardians of intent to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion. The notice of intent to expel shall be sent by certified mail or hand delivered and shall state the reasons for the expulsion and the time and place of the hearing.

In addition, the notice shall be accompanied by a copy of the rules of procedure for the conduct of disciplinary hearings.

The formal hearing shall be held not less than three (3), nor more than ten (10) school days after the notice of intent to expel is given. The time period may be modified by agreement of both parties.

The formal hearing shall be conducted by the Board of Directors.

The Board shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence.

The Board in conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The Board shall exclude plainly irrelevant evidence. Unduly repetitive proof shall be excluded.

The Board's Secretary shall swear in the witnesses.

The student shall have the following rights:

- To be represented by counsel, at the student's expense;
- To question any witnesses who testify and receive a copy of any written statements and/or affidavits made by such witnesses;
- To request that any witness appear in person and answer questions or is cross-examined. Student witnesses will not be excused from school or allowed to testify without subpoena or parent(s)/guardian(s) permission;
- To testify and produce witnesses on his/her behalf;
- To obtain upon written request, a copy of the transcript or tape of the Board hearing.

STEP III

Within ten (10) calendar days following the hearing, the Board shall decide whether to expel the student following a review of the evidence produced at the hearing. The Board's decision shall state conclusions of fact and the penalty to be imposed upon the student.

The duration of an expulsion is within the discretion of the Board based upon the circumstances of each case. An expulsion shall not exceed one calendar year, or 180 school days.

STEP IV

The parents/guardians of a student who is expelled shall be informed that they may apply for the student's readmission at the end of the period of expulsion and must provide verification that all conditions for readmission have been met.

The student and family will be given exit advice on the educational options and rehabilitative counseling that may be available during the expulsion period.

Upon readmission to school, the student will be placed on probation. The student will be formally assigned to a student advisor, who will monitor his/her behavior and academic performance, and provide assistance for a period of at least one semester.

A student is prohibited from being on Pencader Charter High School property during the expulsion period except when accompanied by a parent or guardian for a scheduled appointment with school officials.

Upon readmission, a student shall be readmitted at the beginning of a marking period.

Expulsion and Suspension of Students with Disabilities

In the case of a student with a disability, as defined in federal and state regulations, being considered for expulsion, an Individual Educational Placement (IEP) Team meeting would be convened.

The IEP Team will determine whether (1) the alleged conduct is directly related to the student's disability or (2) the student was inappropriately placed at the time of the offense. A student with a disability conduct relates to the disability if the disability significantly impaired the student's ability to control his/her behavior.

If the IEP Team determines that the offense is directly related to the student's disability, the student's program and/or placement may be changed.

If the IEP Team determines that the offense is not directly related to the student's disability or the result of placement, the School Leader will follow the Student Code of Conduct.

In instances where the student with a disability presents a danger to himself or others, or is so disruptive to the educational environment as to interfere with the rights of other students to benefit from an education, emergency placements may be invoked by the School, including homebound instruction.

Corporal Punishment

No Pencader Charter High School employee may inflict or cause to be inflicted corporal punishment on a pupil. For purposes of this policy section, corporal punishment means the willfully infliction of, willfully causing the infliction of, or willfully allowing the infliction of physical pain on a pupil. Corporal punishment includes, but is not limited to, the use of a paddle or stick on a pupil, blows to the head, hair pulling, limb twisting, slapping, shoving, or any other action that seeks to induce bodily pain.

This subsection of the discipline policy does not prohibit an official or professional employee of the Pencader Charter High School from:

- Using reasonable and necessary physical contact to quell a disturbance or prevent an act that threatens physical injury to any other person.
- Using reasonable and necessary physical contact to obtain possession of a weapon, other dangerous object controlled substance, or drug paraphernalia within a pupil's control.
- Using reasonable and necessary physical contact for the purpose of self-defense or the defense of others.

- Using reasonable and necessary physical contact for the purpose of protecting public school property.
- Using reasonable and necessary physical contact for the purpose of removing a disruptive pupil from school premises or motor vehicle or from school-sponsored activities.
- Using reasonable and necessary physical contact to prevent a pupil from inflicting harm on himself or herself.
- Using reasonable and necessary physical contact to protect the safety of others.
- Using incidental, minor, or reasonable physical contact to maintain order and control.

The School Board of Directors, or a designated committee thereof, shall exercise their good faith judgment in determining whether or not an employee was acting within the above exceptions.

DEFINITIONS OF VIOLATIONS

This list 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 reasonably could 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.

Disciplinary action that will be taken in response to each violation is identified in the charts that follow these Definitions.

Academic Cheating

The act or instance of deception in preparing or presenting course work or class assignments as a student's own authentic work when it is not. This includes, but is not limited to, 1) copying another student's paper; 2) unauthorized use of notes or sharing answers during a test or examination, 3) presenting another person's work as one's own, 4) presenting quotations, words or ideas without proper reference or credit (plagiarism).

Abusive Language/Gestures (student to student)

Written or spoken language or gestures that are offensive, obscene or vulgar.

Abusive Language/Gestures (directed to staff or administrators)

Written or spoken language or gestures that are offensive, obscene or vulgar, when directed at teachers, staff, or administrators of the School, Board of Directors, or Department of Education.

Arson

Any act utilizing fire, smoke or explosives that causes alarm or danger to life; and/or willful or malicious burning of school property, its contents or the personal property of others.

Assault

An unlawful physical attack using force upon a person intending to cause, or resulting in, physical injury.

Breaking and Entering

Illegal or unauthorized entry of any locked area of the school during or after school; e.g., rooms, classrooms, auditorium, gym, shops, offices, lockers or cabinets, etc.

Bullying

One or more persons or a group of persons, targets another person with repeated direct or indirect negative actions over a period of time that are harmful to the victim 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.

Bus Violations

Violation of the Bus Rules and/or Bus Policy set forth in the Student Code of Conduct.

Computer/Technology Misuse

Using school computers or other technology device to view or download materials or information of a sexual, obscene, or offensive nature. Downloading any files or information from the internet or software to a school computer or other technology device without authorization of a school administrator or staff member.

Computer/Technology Tampering

Unauthorized altering/tampering or vandalism to school owned electronic equipment and software, such as computers, business machines, calculators, network support equipment and wiring. This includes, but it not limited to:

Altering or tampering with the operating system or data stored on the system

Damage to input/output disk storage devices

Introduction of a virus, Trojan horse, worm, spyware, or other data/operation system corruption

Using electronic mail to harass others, including sending electronic mail that the sender would reasonably anticipate to be unwelcome

Posting on electronic bulletin boards or any type of electronic forum information that may be slanderous or defamatory in nature or any materials that violate existing laws or the standards of student conduct

Displaying sexually explicit, graphically disturbing or sexually harassing images or text in a public computer facility or location that can potentially be in view of other individuals.

Conspiracy

When two (2) or more students agree to intentionally lie, mislead, plan and carry out inappropriate behavior or give false information to hinder an investigation of another offense.

Class Cutting

Unexcused absence from a class without authorization or approved reason.

Criminal Mischief

The destruction or serious defacing of school property or the property of others.

Discriminatory Harassment

Harassment, demeaning treatment, or misconduct, whether verbal or physical, directed at a person that is based on that person's race, national origin, disability, religion, sexual orientation, or similar characteristic. See also, Sexual Harassment.

Disruptive Behavior

Language, gestures or actions, which incite, produce distractions or seriously interfere with the effective functioning of the teacher, class or school.

Dress Code Violations

The failure to wear the required uniform to school and at all times while at school and/or the wearing of any prohibited article of clothing and/or accessory. See Dress Code for additional information.

Drug or Alcohol Sale or Distribution

Sale, transfer or distribution in school or on school property of drugs, alcohol or "look-alike" substances. Possession of excessive amounts of drugs/alcohol or "look-alike" substances will be considered as "possession with intent to deliver" as defined in the Delaware Code.

Drug or Alcohol Use or Possession

To possess on your person or among your personal belongings or to use or be under the influence of any illegal substance, capable of producing change of behavior or altering a state of mind or feelings; e.g., alcohol, marijuana, etc. This situation includes "look-alike" substances. Possession of excessive amounts of drugs/alcohol or "look-alike" substances will be considered as "possession with intent to deliver" as defined in the Delaware Code and will be dealt with as "drug or alcohol sale or distribution."

Failure to Attend Detention

Not reporting for a scheduled detention without administrative permission to miss the detention.

Fighting

Aggressive, physical conflict between two or more individuals assaulting each other; including wrestling and shoving.

Fire Alarm Tampering

Pulling a fire alarm, using a fire exit, or discharging a fire extinguisher when no fire or reasonable indication of fire is present. Causing a fire alarm or sprinkler system to engage when no fire or reasonable indication of fire is present. Tampering with, disabling, or destroying a fire alarm, sprinkler system, fire exit or fire extinguisher.

Forgery

The act of forging a signature or using something written (whether physically or electronically) falsely to deceive.

Gambling

Participating in game(s) of chance, including card playing, for money and/or other things of value. Evidence of organized gambling will be handled according to State Regulations.

Instigation

Behavior that incites or produces aggressive or physical conflict between 2 or more individuals.

Insubordination

Verbal or non-verbal refusal to comply with a reasonable request of staff; e.g., refusal to give name or show identity card; refusal to accompany school personnel to classroom or office.

Leaving School Without Authorization

Once a student arrives at the school campus, he/she may not leave, unless authorized to do so, until the end of the student's scheduled day.

Offensive Touching

Intentionally touching or attempting to harm or harming another person with a part of the body, body fluids or with an instrument thereby causing offense, alarm or injury.

Offensive Touching to Staff

Intentionally touching or attempting to harm a staff member or administrator thereby causing offense, alarm or injury.

Prohibited Areas

Unauthorized presence of student in any prohibited school area as defined by signs denoting a space as off-limit to students or any administrative office or classroom for which a student does not have authorization to enter.

Rape or Attempted Rape

Forced sexual contact without consent of the victim.

Reckless Driving

Driving any vehicle in willful and wanton disregard for the safety of persons or property on school property or in a school zone.

Robbery/ Extortion

To obtain or attempt to obtain money, goods, services or information from another by force or the threat of force.

Sexual Behavior

Any action by one or more persons involving the use, display, or touching of those parts of the body generally referred to as "private" that is unacceptable in public.

Sexual Harassment

Sexual harassment is unwanted and unwelcome sexual advances, attention, requests for sexual favors and other verbal, written or physical actions of a sexual nature. It may include, but is not limited to, demeaning remarks about a person's clothing, body or sexual activity based on gender; unnecessary touching, patting, or pinching; leering at another person; and physical assault of a sexual nature.

Smoking

To hold a lighted cigarette (cigar, pipe, etc.), to draw in or exhale smoke, to chew or to use tobacco products. Smoking at school activities, in school buildings or on school grounds during school hours is prohibited. Smoking is also prohibited on school buses, on school-sponsored educational field trips at all times, and when participating in athletic and extra-curricular activities.

Steroid/Stimulant Possession, Use or Distribution

The use, possession, or distribution to others of any substance which alters or is intended to alter performance, such as steroids, stimulants, amphetamines, diuretics, or related compounds.

Terroristic Threatening

A threat to commit any crime likely to result in death or serious injury to person or property. This includes false statements likely to cause evacuation of a building, place of assembly or facility of public transportation. This also includes statement(s) made that are likely to cause serious inconvenience; or in reckless disregard of the risk of causing terror or serious inconvenience.

Theft/Possession/ Transfer of Stolen Goods

The act of taking possession or transferring the property of another without the consent of the owner.

Threatening Behavior

A threat to engage in menacing behavior that is violent or sexual in nature — without physical contact — that would likely cause offense, annoyance or alarm. Terroristic threatening will be handled according to State School Board Regulations.

Tobacco Possession

The possession of tobacco products at school activities, in school buildings or on school grounds during school hours. (Possession meaning that a student has on the student's person, in student's belongings or under the student's reasonable control by placement of and knowledge of the whereabouts of tobacco.)

Trespassing

Presence of a suspended student in or about the school/campus who does not have a legitimate reason for being there or written permission from a school administrator.

Unexcused Absence from School

Absence from school without parent/guardian authorization or approved reason. See Attendance Policy for additional information.

Vandalism

The defacing of school property or the property of others.

Weapons Offenses

The possession, concealment or sale of any kind of weapon or dangerous instrument, including but not limited to: knife, gun, metal knuckles, tools, etc. or any other item that could be used as a weapon.

Unauthorized Use of Electronics

The use or display of any of the following on school premises during school hours is strictly prohibited:

Cellular phones

Pagers

Laser pointers

Radios/ Walkmans/ iPods/Music playing devices of any kind

Electronic games

Blackberrys/PDAs of any type

Other materials designated by building staff as disruptive or having the potential for causing disruption.

REPORTING CRIMES TO POLICE

Appropriate law enforcement officials should be notified when the school official encounters any of the following activities:

1. Evidence that suggests the commission of the crimes of assault and extortion against pupil, or an assault, offensive touching, terroristic threatening or extortion against a school employee.
2. Evidence that suggests the commission of a felony, for example:
 - Reckless endangering
 - Assault offenses
 - Homicide
 - Unlawful sexual contact, penetration or intercourse
 - Sexual exploitation of children, pornography
 - Arson
 - Criminal mischief
 - Bombs, etc.
 - Unlawful imprisonment or kidnapping
 - Offenses involving concealed deadly or destructive weapons
 - Promoting prostitution
 - Burglary
 - Robbery
 - Felony theft offenses
 - Extortion
 - Computer/recorded sounds offenses
 - Fraud offenses
 - Forgery offenses
 - Riot
3. Evidence that suggests violation of the laws concerning controlled substances and alcohol, for example:
 - Manufacture, delivery or possession with intent to manufacture or deliver a controlled substance or a counterfeit controlled substance
 - Possession, delivery, possession with intent to deliver non-controlled prescription drugs (not obtained with valid prescription), including steroids, etc.)
 - Possession, use or consumption of a controlled or counterfeit substance or of alcohol
 - Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S. D., designer or other drugs.
 - Unauthorized possession or delivery of hypodermic syringe or drug paraphernalia
4. Evidence that suggests incest, sexual abuse or the neglect or other abuse of children.
5. Evidence that suggests the use, possession or sale of dangerous instruments or deadly

weapons, e.g., knives, firearms, ammunition, explosives or blasting caps.

6. Evidence that suggests morals offenses, e.g., pornography, exhibitionism, peeping, etc.
7. Evidence that suggests organized gambling.
8. Evidence that suggests an assault or offensive touching, terroristic threatening or menacing of a school employee.
9. Evidence of offenses involving school property, e.g., false fire alarms, telephone threats, computer crimes, vandalism and criminal mischief, trespass, burglary and theft, reckless driving and safety hazards.
10. Reports of suspicious persons or unauthorized persons on or near school grounds or property.
11. Rumors, information or observations of gang rivalries or activities.
12. Bullying is defined as 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 victim 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.

DISCIPLINE CHART

(See next chart for description of each code)

Severity of offense may be considered in administering penalties

Violation Involved	First Offense	Second Offense	Subsequent or Severe Offense(s)
Academic Cheating	B, T	E, T	E, T
Abusive Language/Gestures (student to student)	A, B, H or K	A, B, I or L	A, B, N
Abusive Language/Gestures (directed to staff/admin)	A, E, K	A, L	N
Arson	G, O, U	G, Q, U, V	G, Q, U, V
Assault	G, O, U	G, Q, U, V	G, Q, U, V
Breaking and Entering	G, N, U	G, O, U	G, Q, V
Bullying	H, G	G, K	G, N or O
Bus Violations	A	B, R	B, S
Class Cutting	A, H	A, K	A, E, N
Computer/Technology Misuse	G, K, U	G, N, U	G, Q, U, V
Computer/Technology Tampering	G, K, U	G, N, U	G, Q, U, V
Conspiracy * Discipline will be commensurate with the primary offense at issue	A, B, U, *	A, B, U,*	A, B, U,*
Criminal Mischief	G, N, U	G, O, U	G, Q, U, V
Discriminatory Harassment	E, K or N, U	N or O, U	O, U
Disruptive Behavior	A, H	A, K	N
Dress Code Violations	A, C	A, C, F	D, E, F, H
Drug or Alcohol Sale or Distribution	G, O, U	G, Q, U, V	G, Q, U, V
Drug or Alcohol Use or Possession * Drug/alcohol counseling may be required	O, U	P, U	Q, U, V
Failure to Attend Detention	K	L	N
Fighting * Severity of offense may be taken into account and lesser discipline may be administered in School Leader's discretion	G, N, U	G, O, U	G, U, Q or V
Fire Alarm Tampering	G, O, U	G, Q, U, V	G, Q, U, V

Forgery	A, H, U	A, K, U	A, N, U
Gambling	A, G, H	A, G, I	A, G, N
Instigation	G, H	E, G, K	G, N
Insubordination	A, H	E, H	E, N
Leaving School Without Authorization	A, H	E, K	E, N
Offensive Touching (of other students)	H, U	E, K, U	O, U
Offensive Touching (of staff/admin)	O, U	P, U	Q, U, V
Prohibited Areas	A, H	A, H	A, I
Rape/Attempted Rape	Q, U, V	Q, U, V	Q, U, V
Reckless Driving * Driving privileges may be suspended or revoked in School Leader's discretion	N, U	O, U	P, U
Robbery/Extortion	G, N, U	G, O, U	G, Q, U, V
Sexual Behavior	H, U	E, K, U	O, U
Sexual Harassment	E, K or N, U	N or O, U	O, U
Skateboard/Scooter/Rollerblade at School	C	D	D, H
Smoking	H	E, H	I
Steroid/Stimulant Possession, Use or Distribution	G, O, U	G, P, U	G, Q, U, V
Terroristic Threatening	O, U	P, U, V	Q, U, V
Theft/ Possession or Transfer of Stolen Goods	E, G, K, U	G, N, U	G, Q, U, V
Threatening Behavior	H or K	I or L	N or O
Tobacco Possession * Items in violation of policy will be confiscated	B	H	E, H
Trespassing	A, U	A, B, U	A, E, U
Unauthorized Use of Electronic Devices	C	D	D, H
Unexcused absence from school * See also attendance policy	A, H	A, H or K	I or L
Vandalism	A, G, H	E, G, K	G, N
Weapons Offenses * Items will be confiscated	O or P, U, V	P, U, V	P, U, V

DISCIPLINE CODE DEFINITIONS

Code	
A	Verbal or Written Warning to Student
B	Parent/guardian Notification
C	Parent/guardian notification and confiscation of item at issue until parent/guardian retrieves it
D	Parent/guardian notification, confiscation of item at issue for remainder of semester and returned thereafter only when parent/guardian retrieves it
E	Parent/guardian notification and parent/guardian conference with school officials required
F	Parent/guardian notification and student held in office until parent/guardian brings appropriate attire
G	Restitution/ restoration
H	After-school detention for up to three school days and Parent/guardian Notification
I	After-school detention for four to six school days and Parent/guardian conference required
J	After-school detention for seven to ten school days and Parent/guardian conference required
K	In-school suspension for up to three school days and Parent/guardian Notification
L	In-school suspension for four to six school days and Parent/guardian conference required
M	In-school suspension for seven to ten school days and Parent/guardian conference required
N	Out-of-school suspension for up to three school days and Parent/guardian conference required
O	Out-of-school suspension for four to six school days and Parent/guardian conference required
P	Out-of-school suspension for seven to ten school days and Parent/guardian conference required
Q	Out-of-school suspension for more than ten school days and Parent/guardian conference required
R	Suspension from bus privileged for one to five school days
S	Loss of bus privileges for remainder of school year
T	Grade of zero for academic assignment or exam involved
U	Reporting to police or other authorities, if appropriate
V	Possible recommendation for expulsion

I have read and reviewed the Pencader Charter High Student Code of Conduct and agree that I will follow the policies and procedures as outlined. I understand that failure to abide by the policies and procedures as outlined may result in disciplinary actions.

Student Signature

Date

We/I have read and reviewed the Pencader Charter High Student Code of Conduct with our/my child and agree that he/she will follow the policies and procedures as outlined. We/I understand that our/my child's failure to abide by the policies and procedures as outlined may result in disciplinary actions being taken.

Parent Signature

Date