



**Kuumba Academy Charter School
Student Code of Conduct
2013-2014**

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NGUNZO SABA

The Seven Principles of Kwanzaa

Created by Dr. Maulana Karenga, Kwanzaa means “First Fruits” and is based upon African harvest festivals. The Nguzo Saba is the founding principles and an important part of the celebration of Kwanzaa. Observed by 28 million people throughout the world, Kwanzaa is a seven-day festival, which begins each year on December 26th and ends on January 1.

On every evening of this festival, family and community members gather, light a candle in a specially prepared candleholder and discuss one of the Nguzo Saba, or Seven Principles of Kwanzaa. Kwanzaa celebrates family, community and the richness of our culture.

Founders of the Academy named the school after one of the principles of the Nguzo Saba. Kuumba means “Creativity” and is the sixth principle. Kuumba encourages self-discovery and adding beauty to the world through art making.

We believe these seven values, which have their roots in a rich African cultural history, should guide our daily living at home, in school and everywhere we interact with others.

For detailed explanations, adults may refer to Dr. Karenga’s book, **“The African American Holiday of Kwanzaa: A Celebration of Family, Community and Culture**, Los Angeles: University of Sankore Press, 1988.

Kuumba School Pledge

My purpose for coming to school is to Learn. I always do my very best. I am respectful and kind to others. I make good choices. I am responsible for my actions. I am leader not a follower. I am a scholar. I support the seven principles of Nguzo Saba. Umoja, Kujichagulia, Ujima, Ujamaa, Nia, Kuumba and Imani.

CHAPTER 1: INTRODUCTION

Kuumba Academy Charter School is dedicated to the development of each student's potential for learning in a positive environment. Discipline is an integral part of teaching and learning and a key component of a positive learning environment. All students must develop good work habits and attitudes if they are to become successful students and successful members of a larger community.

Because one of the primary goals of Kuumba Academy is to assist in the development of character and to promote constructive and respectful behavior, the procedures and consequences outlined in this Code are designed to modify unacceptable behavior, not to punish. . Therefore, all disciplinary actions will be centered on strengthening character through self-discipline. Assisting the child to assume personal responsibility for behavior and understanding the consequence of their actions is of critical importance to the development of a responsible, productive individual. Students are expected to contribute to a positive, orderly school environment and will be expected to conduct themselves in a mannerly way. Teachers will help students cope with school related problems as they arise and guide students to more positive behavioral responses where possible.

Discipline is a shared responsibility among the home, school and community. The family assumes the initial responsibility for helping the child develop physically, intellectually, socially, emotionally, and ethically. The school provides additional opportunities to promote the student's growth in these five critical areas. Children enter school at various levels of development. Kuumba recognizes these stages of maturation and addresses each situation as it occurs. In this manner, the school promotes personal growth, societal responsibility and citizenship.

Kuumba has developed a school wide Behavior Support Plan designed to encourage positive and productive behavior and handle relatively minor infractions in a consistent and fair manner with a constant goal of returning the student to active engagement in the classroom.

When the classroom teacher has tried all available interventions with disruptive or uncooperative students, students may be referred to the **Head of School, and/or Dean of Student Services** for further disciplinary action. Parents will be kept informed if behavioral problems persist.

Administrative disciplinary actions may include, but are not necessarily limited to the following progressive consequences:

- Classroom interventions such as verbal redirection, seat relocation, private conferences, in-class cool down, and buddy cool down.
- Student conference which may involve students, parent, teacher, and school administrators.
- School based counseling with school Dean of Student Services, Family Crisis Therapist or outside referral counseling service
- Negotiation of a behavioral contract
- Recess and/or after school detention
- Out-of-School Suspension

Note: List not in sequential order

**** *Parents will be notified by telephone and in writing within 24 hours if actions regarding detention or the removal from school are to be taken.***

Productive schools must be free from disruptions, which interfere with teaching and learning activities. Students, parents, and school staff must assume a responsible role in creating a positive environment. Promoting behavior that encourages learning and the development of each individual's potential.

- **Students, parents, and staff are held accountable for becoming familiar with the entire contents of this document.**
- **An authorized parent signature must be on file confirming the document is in the family's possession.**
- **In Addition, school administrators and classroom teachers will communicate the Code of Conduct and Classroom rules to elementary students.**

Good faith, common sense, and reasonableness are necessary for a proper interpretation of this Code of Conduct.

What is the Student Code of Conduct?

The Code is an official declaration of the Kuumba Academy Board of Directors which:

- specifies the rights and responsibilities of students and their parents.
- Defines conduct that disrupts a positive environment.
- Standardizes procedures for disciplinary action.
- Defines grievance procedures.

Provisions in the Code apply to all students in Grades K – 5. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. **Students have a greater responsibility for their actions as they increase in age.**

What are the Goals for Student Conduct?

- To communicate and enforce school board policy, local, state, and federal laws.
- To ensure the rights and personal dignity of students and staff.
- To emphasize the need for acceptance of personal responsibility and self-discipline.
- To promote, recognize and reward exemplary student behavior.
- To assure a fair, reasonable and consistent approach to the enforcement of the Code of Conduct.
- To maintain an effective and safe learning environment.
- To maximize learning and minimize disruptions.
- To maintain and protect student safety.
- To maintain and protect school property.
- To identify, assess and assist students who exhibit inappropriate behavior.
- To refer students to appropriate persons for counseling, assessment and professional care if warranted.

When is the Code Enforced?

- 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, after-school activities and other extra-curricular activities where the District has jurisdiction over students.
- When a student’s conduct to and from school has a harmful effect on the other students or on the orderly educational process.
- When a student’s out-of-school conduct indicates that the student presents a threat to the health, safety, or welfare of other students and staff.

How is the Code Administered?

Conflict Resolution

The discipline philosophy of Kuumba Academy assumes a responsibility for self-discipline on the part of students and staff, and sensitive reaction on the part of the staff and parents.

Kuumba has a comprehensive conflict resolution program that includes the use of mediation techniques to resolve conflicts and discipline issues.

Violations of the Code of Conduct

The code of Student Conduct is administered by an Administrator or designee when a student has been referred because of misbehavior. Identifying the specific Code violation and corresponding disciplinary action is the responsibility of school administrators and in serious instances, the Board of Directors.

Possession of Items in a Locker or Book Bag

Lockers

The District presumes a student possesses, and is responsible for, all items found in the student's locker. Regularly check the contents of your locker. We do not require students to secure their lockers with a lock. Therefore, please refrain from having your students store money or expensive items in the lockers. *The school is not liable for lost or stolen items.*

Book Bag, Purse

The District presumes a student possesses, and is therefore responsible for, all items found in the student's book bag, purse, or similar bag or container used to carry books or personal (referred to as "book bag"). Regularly check the contents of your book bag. If you fail to secure your book bag, or provide others access to your book bag, *you remain responsible for items found in your book bag.*

CHAPTER 2: STUDENTS RIGHTS AND RESPONSIBILITIES

Within Kuumba Academy, the Principal (Head of School), Dean of Student Services, Assistant Principal, and/or their designee have the responsibility and authority for maintaining an orderly educational process. The Kuumba Board of Director's guarantee the freedoms allowed by law provided these freedoms do not endanger the health, safety, or welfare of students and staff.

The Board of Director's recognizes and supports students' rights and the corresponding students responsibilities. Parents/Guardians shall be responsible for communicating these rights and responsibilities to their children and act as partners in the character building process.

Nowhere is it stated or implied in this document that the school should give up its authority and responsibility.

Kuumba maintains a strict attendance policy that adheres to students' best interests as well as the law.

As a qualification for promotion to the next grade level in grades K-5, students must be in attendance 90% of the school year. In accordance with State law, parents must provide a dated and signed excuse stating the reason for any absence. The excuse must be submitted no later than two days after the student returns to school. A student who arrives to school after 9:15 a.m. is considered absent for the full day. A student is considered late if he/she arrives after 8:00 a.m. If a student has three (3) unexcused tardiness, that equates to one (1) unexcused day absent. Hence, in accordance with legislation adopted by the Wilmington City Council (1999), eighteen (18) or more days absent during the year shall result in a truancy report being made to the Division of Family Services by the Dean Student Services.

Students have the right to make up assignments missed during any excused absence. Parents and students have the right to review school policies which clearly define what is considered an excused absence, an unexcused absence, and tardiness. Parents and students also have the right to appeal a decision concerning whether an absence is excused or unexcused.

- **Tardiness:** When a child reports late, they must obtain a late slip from the front desk (whether he/she is arriving to school late or has arrived to school early but is late getting to the classroom). The front desk receptionist or designee shall be responsible for recording the student's name, date, time, and reason for tardiness in a Late Slip Record Book designed for that purpose. After recording the information, the receptionist shall give the student the copy of that slip to give to the teacher. The Front desk will keep a copy of the late slip. Students *arriving to school* after 8:00 must provide the receptionist with a written note from the parent stating the reason the student is late or "absent". Once the note is received the student will be

given a late slip to be admitted to the classroom. If a student does not have an acceptable reason for being tardy, he/she will be marked unexcused tardy.

- **Arrival after 9:15 a.m.:** Students arriving after 9:15 a.m. are considered and remain marked as “absent” for the full day. Parents should make every effort to have their children well rested, fed and in school on time daily.
- **Absences:** Students who are absent must return to school with a note from a parent/guardian. A student absent for three or more days **due to illness** must have a signed excuse from their doctor upon returning to school. Students who are absent or sent home because they contracted a communicable disease such as impetigo, pinkeye, head lice, ringworm, chicken pox, etc. must be seen by a physician and provide a doctor’s note indicating they can return to school. The secretary or designee shall give all parents notes or doctors excuses to the School Nurse. Notes that state long-term absences from school, *i.e.* vacation, extended family trip, are not counted as excused; hence, parents are encouraged to plan voluntary, non-emergency extended absences around the school calendar. Acceptable absences, such as death in family, hospitalizations, family emergency shall require a written and signed note from the doctor or agency indicating the date(s) of absences. The School Nurse will determine if an absence or lateness is excused or unexcused.
- **Early Dismissal:** in the event your child has a medical or other appointment which requires an early dismissal (being picked up prior to the 3:30 p.m. scheduled dismissal time), please write a note and give to the front desk receptionist stating the reason and time for the early dismissal. All early dismissals will be made at the front lobby, not from the classroom. When you come to pick up your child the lobby secretary will ensure he/she arrives to the lobby to meet you.
- **School Cancellations and Late Openings** - snow, icy roads, and other special emergencies may necessitate a late opening, early closing or cancellation of school. It is advisable to listen to local radio stations and/or watch local television. The following are list of the media that will cover the closing information: **WPVI Channel 6; WILM 1450 AM; school website;**

and DOE website. There will also be a recorded message on the school's messaging system when you call (302) 472-6450.

RIGHTS

Students have the right:

1. To receive school policies that clearly define absence, unexcused absence, and tardiness.
2. To appeal a decision concerning whether an absence is excused or unexcused.
3. To make up assignments missed during any excused absences.

RESPONSIBILITIES

Students have the responsibility:

1. To attend all classes daily and on time.
2. To provide the school with a written excuse from parents/guardians explaining the reason for an absence upon return to school.
3. To request the make-up assignments from their teachers upon return to school and to complete the work within the length of time specified in the District attendance regulations.

CURRICULUM

Philosophical Basis:

Curriculum is designed for students and parents, therefore, parental and student opinion can be extremely important and deserves careful analysis and full consideration. The degree of student involvement in curriculum development depends upon the age, grade, and level of maturity of the student.

RIGHTS

Students have the right:

1. To have access to clear and precise curriculum descriptions and guidance that will help them to make informed choices.
2. To participate in discussions and offer recommendations to improve the curriculum through duly elected or appointed representatives.

RESPONSIBILITIES

Students have the responsibility:

1. To seek clarification, if necessary from informed persons in the school.
2. To serve in an informed and responsible manner.

GRADES

Philosophical Basis:

Grades are an important indicator of the student's demonstrated knowledge or skill at a particular time. A student's grade(s) should reflect the teacher's best assessment of the student's academic progress.

RIGHTS

Students have the right:

1. To receive a written copy of the teacher's grading system and academic policies and, to ask for an explanation of the grading system and academic policies, which they do not understand.
2. To receive an academic grade that is based on the teacher's grading system and that reflects the student's progress.
3. To be given appropriate notice of due dates for assignments.
4. To receive written notification of unsatisfactory performance in ample time to improve grades prior to the end of the grading period.

RESPONSIBILITIES

Students have the responsibility:

1. To be aware of due dates and to present assignments when due.
2. To share notice of unsatisfactory progress in ample time and, with their parents/guardians help to improve grades prior to the end of the grading period.

COUNSELING

Philosophical Basis:

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Parents/Guardians and students have the responsibility to provide the school with information that may be useful in making intelligent educational decisions. Schools have the responsibility to provide counseling services for students and to inform students of the services of other agencies.

RIGHTS

Students have the right:

1. To be informed accurately as to the nature of available counseling services.
2. To use appropriate counseling services for their educational and personal development.

RESPONSIBILITIES

Students have the responsibility:

1. To seek appropriate counseling for personal and educational problems and to be assured of those confidential services within a reasonable amount of time.
2. To schedule appointments in advance unless the problem or concern is of an emergency nature.
3. To keep all scheduled appointments or if absolutely necessary, call to re-schedule appointments prior to the scheduled time.

FREE SPEECH

Philosophical Basis:

One of the basic purposes of schools is to prepare students for responsible self-expression in our society. Self-expression is guaranteed or protected under the First and Fourteenth Amendments to the United States Constitution. Students may inquire, question, and exchange ideas. Self-expression must not interrupt the orderly educational process of the school or be in violation of the Code of Conduct. Free expression must not mock, demean, or ridicule other persons or groups or be obscene, libelous, or disruptive.

RIGHTS

Students have the right:

1. To request to be excused from any activity which is against their religious beliefs or deep personal convictions or any activity that is in conflict with their beliefs.
2. To assemble peaceably on school property for school-related activities.

RESPONSIBILITIES

Students have the responsibility:

1. To have parents or guardians request in writing that the student is excused from such activities that conflict with personal beliefs.
2. To plan and ensure, with the Dean's approval, that these activities demonstrate respect for others and are not dangerous or disruptive.

STUDENT GOVERNMENT (When in session/active)

Philosophical Basis:

The student government is a means of providing students with an opportunity to express themselves and to act on school matters through the democratic process. All members of the school community share the responsibility for helping the student government. Students should be given the opportunity to participate in those decisions that affect the learning climate of the school.

Kuumba Board policies and individual school policies should be made available to enable the student government to function as an informed organization.

RIGHTS

Students have the right:

1. To form and operate a student government.
2. To seek and hold office in student government organizations.
3. To recommend members of the faculty to serve as sponsors of this organization.
4. To attend regularly scheduled meeting of this organization.

RESPONSIBILITIES

1. To conduct election campaigns in a positive mature manner with respect for other candidates.
2. To represent, as members of the student government, the needs and concerns expressed by the student body.
3. To recommend members of the faculty to serve as sponsors of this organization.
4. To obtain the prior consent of the recommended faculty members.
5. To attend regularly scheduled meeting.
6. To inform the administration and faculty of such meetings of this organization.

ELECTRONIC AND PRINT MEDIA STUDENT PUBLICATIONS

Philosophical Basis:

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

RIGHTS

Students have the right:

1. To possess, post, and distribute literature, on a range of subject that follow the District's guidelines for responsible journalism including the identification of the author(s).
2. To be free from censorship of their publications and productions within guidelines previously agreed upon by students and administrators and to observe responsible journalism.

RESPONSIBILITIES

Students have responsibility:

1. To produce, post, publish, or distribute literature which expresses opinions on a wide range of materials approved by the administration; e.g., acceptable standards of good taste and school administrators have the right to disallow or recall literature or media which they consider primarily commercial in nature or materials which could disrupt the orderly operation of the school.
2. To post or display these materials only on those bulletin boards or wall areas designated for use by students and student organizations.
3. To refrain from publishing and/or distributing obscene, inflammatory, or libelous materials.

STUDENT DRESS

Philosophical Basis:

The dress and grooming of students shall contribute to the health and safety of the individual and shall not disrupt the orderly education process.

RIGHTS

Students have the right:

1. To dress in the school uniform daily unless otherwise indicated by the administration for special school activities.

RESPONSIBILITIES

Students have the responsibility:

1. To follow established guidelines by dressing in a manner which shows cleanliness, dressing and grooming in a manner, that promotes safety, demonstrates respect for others and that does not disrupt the educational process nor endanger the health and safety of themselves or others.

DRESS CODE

Dress Code Sanction - a school uniform code has been adopted. Students are expected to be in uniform daily. The dress and grooming of students contribute to the health and safety of the individual and shall not disrupt the educational process.

We rely on parents to assure student adherence to the established Kuumba Academy dress code.

Kuumba Academy Charter School **Dress Code**

- **Slacks/Skirts K-8**

- Tan uniform pants, shorts, skirts
- Tan Bermuda length shorts
- Tan skirts, skorts, or jumpers
- **Shirts K-5**
 - Royal Blue Kuumba Polo style shirts

Please note uniform shirts must have the official Kuumba Logo. **(ALL SHIRTS MUST HAVE LOGO) Students may not wear long sleeves (i.e. thermals, long sleeve tees, sweatshirts) under short sleeve polo shirts**

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- Blue Oxford Shirt or Blouse

All students must tuck in shirts.

ALL SHIRTS CAN BE PURCHASED THROUGH FLYNN & O'HARA

<http://www.flynnohara.com/>

- **Sweater**
 - Navy Blue Sweater **ONLY With Kuumba Logo** Shirts can be purchased through **Flynn & O'Hara**
- **Dance and Physical Education uniforms K-8**
 - Kuumba heather gray sweatpants or shorts.
The Kuumba sweatpants or shorts have the official Kuumba Logo printed on the front.)
 - Blue Kuumba T-shirt (The Kuumba Logo and the 7 principles of Kwanzaa are printed on these shirts.)
 - Sneakers
 - Kuumba heather gray sweatshirts.
(The Kuumba sweatshirt has the official Kuumba Logo printed on the front.)

ALL UNIFORMS CAN BE PURCHASED THROUGH FLYNN & O'HARA

<http://www.flynnohara.com/>

- **Tights**
 - **White** tights only to be worn by female students (No colors or designs)
- **Shoes K-5**
 - Sneakers
 - No open toe shoes. Examples: flip flops or sandals. No Healties
 - No shoes with a heel higher than 1 ½ inch.

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- Black or brown rubber sole shoes
- Sneakers are to be worn for **Dance and Physical Education** only

All students must wear this uniform on their specified dance/gym day. If the student is not dressed in the proper attire, the student will receive an incomplete grade (zero) for that class. Sixth through eighth grade students will receive a loss in one merit.

Large or expensive jewelry should not be worn to school. Earrings should be small. Artificial nails are not permitted as a safety precaution.

Students who are not in compliance with uniform dress code will receive the following sanctions:

1st violation:

Written notice of uniform violation sent home.
Parent may be called to request a change of clothes

2nd Violation:

Parents will be called to request a change of clothes.
Formal written notice of uniform violation sent home.

3rd Violation:

Parents will be called to bring in a change of clothes.
After school detention on Tuesday from 4:00 – 5:00pm
Parent Conference with Administration.

Subsequent Violations will result in exclusion of student.

Students will not be permitted to enter their classroom without the proper uniform. Students will be sent to an Administrator's office until a parent/guardian arrives with a change of clothes.

SEARCH AND SEIZURE

Philosophical Basis:

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the United States Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School authorities reserve the right to maintain access to and to search school property at any time necessary to protect the health, safety, and welfare of others.

RIGHTS

Students have the right:

1. To privacy of their personal possessions unless the Dean or his/her designee has reasonable cause to believe that illegal materials are being concealed by the student.

RESPONSIBILITIES

Students have the right:

1. Not to carry or conceal weapons or any materials, which are illegal, may have reasonable cause to disrupt the educational process or has the potential to cause alarm and/or injury.

SAFETY RIGHTS

Students have the right:

1. To learn in an environment free from the threat or act of psychological or physical violence.
2. To confidentially notify school personnel of dangerous situations.

RESPONSIBILITIES

Students & their parents have the responsibility:

1. To show respect for other individuals' ideas, values and heritage.
2. To resolve conflicts in a non-violent manner.
3. Not to bring weapons of any kind to school.
4. To notify school personnel if they have knowledge of such weapons.

HARRASSMENT

Philosophical Basis:

The Kuumba Academy District's intent is to foster human dignity in our schools. Harassment of any type contradicts this ideal. No Kuumba student shall be subject to any type of harassment.

RIGHTS

Students have the right:

To learn in an environment free from any form of harassment including sexual harassment.

RESPONSIBILITIES

Students have the responsibility:

1. To communicate directly to the person that their behavior is unacceptable and they want him/her to stop.
2. To inform and seek the advice of a teacher, counselor, or school administrator.
3. To report the information to the Head of School if the situation is not resolved.

APPEALS/GRIEVANCES

Philosophical Basis:

A grievance may be filed when a student/parent feels that he/she has been unfairly treated or has not been afforded due process. Students/parents have the responsibility to discuss and to try to resolve their complaints with the person(s) involved before using the grievance procedure. Schools are responsible for providing means for students/parents to express and resolve their grievances.

RIGHTS

Students and parents have the right:

1. To be provided with a procedure for expressing and resolving their grievances. This procedure specifies lines of communication, time lines, and a method of appeal.
2. To participate in the evaluation and modification of the grievances procedure through their student government, parent teacher association and the board of directors.

RESPONSIBILITIES

Students and parents have the responsibility:

1. To state the grievance clearly, to follow established procedures for resolving the grievance, and to abide by the decision resulting from the process.
2. To express concerns about the grievance procedure to school representatives.

APPEAL PROCESS FOR SUSPENSION

Grounds for an appeal are limited to the following:

1. Due process and/or District procedures have not been followed.
2. The penalty exceeds the Code of Conduct.
3. Parents believe additional information is available.

Building Level

1. The parent/guardian must request a review of the situation with the Building Head Designee when an appeal is being requested, stating the grounds for the appeal.
2. The request for a review must occur within one (1) school day of notification of the suspension.
3. The “out of school” suspension will not be enforced until the appeal process has been completed **unless the student presents a danger to other students and staff.**

District Level

1. If the Head of School’s decision at the building level is not acceptable to the parent/guardian, the decision may be appealed to the Kuumba Board of Directors. Such appeals must be filed no later than three (3) school days following the Head of School’s decision.
2. The Kuumba Board of Directors shall resolve the appeal by investigating the problem or reviewing the written appeal/records.
3. Parents will be notified of the decision within three (3) school days following the filing of the initial appeal.
4. The decision of the Kuumba Board of Directors shall be the final decision of the School District.

GRIEVANCE PROCEDURES

Students and their parents/guardians as their representatives have all the rights given to every citizen by the Fifth and Fourteenth Amendments to the U.S. Constitution. Many of these rights, which pertain specifically to education, are defined in this document. These rights are protected through a procedure called due process. Students and their parents/guardians are encouraged to become familiar with this due process procedure.

Student/Parent Grievance

A grievance is another name for a complaint. A grievance exists when it is alleged that a student has been unfairly treated or has not been afforded due process.

The following persons or groups of persons may use the grievance procedure:

1. Individual students or groups of students;
2. Parents/Guardians or caregivers of a student;
3. Groups of parents/guardians of students.

The grievance procedure may be used in any of the following situations:

- A. Where it is alleged that any student or group of students:
 1. is being denied access to an appropriate educational opportunity;
 2. is being denied participation in any school activity for which the student is eligible;
 3. is being denied the opportunity to compete for a position in an activity where the selection is limited;
 4. is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
 5. is subjected to a situation that may endanger a student's health and or safety.
- B. Where it is alleged that the rights of an individual student and/or group of students are being denied or abridged.

GRIEVANCE PROCEDURES

When the grievance procedure is used, these steps shall be followed:

1. The grievant is encouraged to talk with a staff member for advice.
2. The grievant shall request, in writing, a conference with the teacher or person(s) who allegedly treated the student unfairly within three (3) school days of the event.
3. Conference shall be held within four (4) school days after request.
4. If the conference does not resolve the complaint, the grievant may talk with the supervisor of the staff member.

5. If the grievance is not resolved during the two meetings, the grievant may file a written grievance with the Head of School within three (3) school days of the conference.
6. If the Head of School fails to resolve the issue to the satisfaction of the grievant, the grievant will, upon request, be given a written notice by the Head of School within three (3) school days after the conference with the Head of School stating the reason(s) the problem could not be resolved.
7. If the decision at the school level is not acceptable that decision may be appealed to the Board of Directors. The appeal must be filed in writing not later than five (5) school days following the date of receipt of the Head of School's written decision. The Kuumba Board of Directors shall resolve the grievance by investigating the problem, holding conferences with the involved parties, or reviewing the written grievance record.
8. The decision of the Kuumba Board of Directors shall be the final decision of the school system. A copy of the Kuumba directors' final decision shall be sent to all involved parties not later than ten (10) school days following receipt of the appeal by the Kuumba School Board.

STUDENT RECORDS

Philosophical Basis:

Student records are defined as any materials concerning individual students kept in any form by the School Board or its employees except for personal notes of teachers and other school personnel intended for their use only. Student records are maintained to provide information, which can be used to develop the best possible educational program for each student. Care must be exercised by the school staff to make sure that student records are treated confidentially and that the information contained therein is accurate and appropriate.

RIGHTS

Students have the right:

1. To be protected from release of personally identifiable information to individuals or agencies who are unauthorized persons.
2. To sign, if fourteen years of age or older, for a release of the information contained in their records to authorized agencies as identified in Delaware law.
3. To inspect these records regardless of unpaid fines or fees.

Students who are eighteen years of age or older and/or parents or guardians also have the right:

4. To release, review with assistance from the school personnel (if desired), and challenge the information contained in the student's school records within District guidelines.

RESPONSIBILITIES

Students have the responsibility:

1. To release information to those individuals or agencies who are working in a positive manner for the benefit of the student.
2. To sign, if fourteen years of age or older, without delay, a release of information contained in their records to authorized agencies.
3. To meet their financial obligations as related to school fees or fines before transcripts and records are released.

MARRIAGE, PREGANANCY AND PARENTHOOD

Philosophical Basis:

Students, who are married, expectant parents, or parents, do not lose their right to a free public education. However, students are encouraged to continue their education through programs designed to meet their special needs. Kuumba is unable to meet the needs of pregnant students.

RIGHTS

Students, who are married, expectant parents or parents, have the right:

1. To remain in the traditional public school program to which they are assigned by residence or to attend a special program designed to meet their needs.
2. To be referred to a marriage, pregnancy, or parenthood agency for counseling if they request it.

RESPONSIBILITIES

Students who are married, expectant parents or parents have the responsibility:

1. To attend school regularly or to take advantage of special programs designed to meet their needs. Students who are pregnant should seek professional medical advice regarding school attendance.
2. To request counseling for marriage, pregnancy, or parenthood.

CHAPTER 3: VIOLATIONS OF THE CODE OF STUDENT CONDUCT

The Code of Conduct defines specific acts that considered violations of expected student behavior. School rules come from many sources including State law, Board of Education Policy, and School Guidelines and Regulations. These violations are examples of those acts that disrupt the school environment and the instructional process.

The purpose of this chapter is to provide school personnel, parents, students and the community with a clear understanding of these violations and the resulting disciplinary actions. The list is not all-inclusive and a student committing an act of misconduct not listed will still be subject to the authority of the Head of School, Dean, and/or behavior team.

A major consideration of the Code of Student Conduct is to identify appropriate disciplinary actions to bring about positive student behavior. The **severity** and **frequency** of the misbehavior are considered in defining appropriate disciplinary action. While administrative personnel bear the major responsibility for effectively carrying out the discipline policies, the total staff plays a vital role in resolving problems influencing student behavior.

The following pages list and define violations and disciplinary actions. For all offenses specific disciplinary actions are required. However, the Code permits selection from the list of additional strategies depending on the severity and frequency of the violation. Additional consequences/disciplines are examples only and other consequences/discipline may also be imposed.

The Head of School, Dean, or designee shall conduct such an investigation as is reasonable under the circumstances to confirm that the charged offense has in fact been committed.

Student Expectations: Students will contribute to the productive climate of the learning environment by showing appropriate respect for themselves, their peers, their teachers, and other school personnel. Students are expected to respect and obey the rules and regulations of the school and community as defined by Kuumba Academy Charter School policies and governmental laws. When conflicts arise, individuals will make sincere efforts to mediate them without disruption to the atmosphere of the learning environment.

**The following list is not all-inclusive. A student committing an act of misconduct, which is not listed, may be subject to disciplinary action. Specifically, if a student commits an act, which constitutes a crime under Delaware Law, such student is subject to discipline, which may include expulsion. Continued offenses after placement in an alternative program will be considered a serious breach of this Code and may result in a possible recommendation for expulsion. **

Kuumba Academy Charter School

**Guidelines
for
Disciplinary
Actions**

MINOR INFRACTIONS

ABUSIVE LANGUAGE (STUDENT TO STUDENT): Written or spoken language or gestures that is offensive, abusive, or vulgar.

State Code: S0301

Examples: Name-calling; talking about families directly or indirectly; comments about religion, weight, height, race, sexual orientation of student or family members.

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In Class-Cool Down
- Recess Detention

Second Offense

- Parent/guardian notification
- Written notification
- After School Detention (2nd-6th)
- Parent Conference

Additional Options

- Behavior Modification plan
- Parent Conference
- Behavior Intervention
- Out of School Suspension (1day)

CHEATING: Using or copying another student's test answers or class/homework assignments or providing, without coercion, another student test answers or class/homework assignments.

Using unauthorized electronic device to calculate or create test answers or complete class/homework assignments. Using unauthorized material to answer test questions or complete class/homework assignments. Plagiarism - Claiming or using someone else's work without acknowledging the source of that information.

State Code: S0141

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Zero for assignment

Second Offense

- Parent/guardian notification
- Written notification
- In Class-Cool Down
- Zero for the assignment
- Teacher/Student Conference

Additional Options

- After School Detention (2nd-6th Grade)
- Behavior Modification plan
- Behavior contract
- Referral for counseling
- Family Crisis Therapist Referral
- Parent Conference
- Recess Detention

CLASS CUTTING: Unexcused absence from a class without authorization or approved reason.

State Code: S0041

Examples: Missing from class for more than 10 minutes.

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In Class Cool Down
- Recess Detention

Second Offense

- Parent/guardian notification
- Written notification
- Parent Conference
- Exclusion
- After School Detention (2nd-6th Grade)

Additional Options

- Family Crisis Therapist Referral
- School Climate Committee
- Parent Conference
- Behavior Modification Plan

- After School Detention (2nd-6th Grade)
- Behavior Intervention

DEFIANCE OF SCHOOL

AUTHORITY: Verbal or non-verbal refusal to comply with a reasonable request – student to teacher/staff.

State Code: S0081

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- Recess Detention

Second Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Behavior Intervention
- Recess Detention
- After School Detention (2nd-6th Grades)
- Behavior Contract

Additional Options

- After School Detention (2nd-6th Grade)
- Behavior Modification plan
- School Climate Committee
- Behavior Intervention
- Parent Conference
- Out of School Suspension (1 day, 3 days, and 5 days in sequential order)

DISRUPTION OF THE EDUCATIONAL PROCESS:

Language, gestures, or actions that incite, produce distractions or disruptions, or seriously interfere with effective functioning of the teacher, another student, class, or any school activity.

State Code: S0091

Examples: Any noises or talking that keeps students distracted and/or teacher from teaching.

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- Buddy Cool Down

Second Offense

- Parent/guardian notification
- Written notification
- Recess Detention

Additional Options

- Out of School Suspensions (1, 3, 5 days in sequential order)
- Behavior Contract
- Family Crisis Therapist Referral
- Behavior Intervention
- Parent Conference
- Recess Detention
- After School Detention
- Behavior Modification Plan
- School Climate Committee

FORGERY: The act of forging a signature or giving something written falsely to deceive.

State Code: S0322

Examples: Signing parent/guardian name to any document that requires adult signature. Signing teachers name to deceive parent/guardian .

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Behavior Intervention

Second Offense

- Parent/guardian notification
- Written notification
- Parent Conference
- After School Detention (2nd-6th Grades)
- Behavior Contract

Additional Options

- School Climate committee

- Parent Conference
- After School Detention
- Behavior Intervention
- Exclusion

INAPPROPRIATE BUS

BEHAVIOR: Behavior which produces distractions, or disturbances which seriously or repeatedly interfere with the bus driver, cause unsafe conditions, or disrespect to the driver. (Consequences Major Infraction code violations will be administered as indicated for the respected offense – see Major Infraction offenses.) Repeated violations may result in the loss of bus riding privileges.

State Code: S0171

K-6

First Offense

- Parent/guardian notification
- Written notification
- Dean/Student Conference

Second Offense

- Parent/guardian notification
- Written notification
- Parent Conference

Additional Options

- Behavior Modification plan
- School Climate Committee
- Behavior Modification plan
- Bus Suspensions (Suspension of bus privileges (1, 3, and 5 days in sequential order Based on infraction))
- *After 5 day suspension bus transportation will be revoked*

LEAVING CLASS WITHOUT

PERMISSION: Once a student arrives at the class he/she may not leave, unless authorized to do so, until the end of the student's scheduled period.

State Code: S0052

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down

- Behavior Intervention
- After School Detention (2nd-6th Grade)

Second Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Exclusion
- Parent conference

Additional Options

- Out-of-School Suspension (1 day)
- Behavior Modification plan
- Referral to School Climate Committee
- Family Crisis Therapist Referral
- Behavior Contract

UNAUTHORIZED USE OF

ELECTRONICS: The use or any public display of any of the following on school premises during the school hours of any school day: cellular phones, pocket pager, laser pointers, personal music devices (walkmans, MP3 players, etc.), electronic games and other materials designated by staff as disruptive or potentially disruptive. Failure to give an electronic device to school personnel when asked will be considered as **Defiance**.*

State Code: S0311

K-6

First Offense

- Teacher/Student Conference
- Item confiscated, returned when adult comes to retrieve item.

Second Offense

- Teacher/Student Conference
- Item confiscated, returned when adult comes to retrieve item.
- Parent Conference

After second offense confiscated item returned on last day of school.

MID-LEVEL INFRACTIONS

1. **Mandatory report to DOE**
2. **Restitution/Restoration if necessary**
3. **Police may be contacted if administrator deemed necessary**

ABUSIVE LANGUAGE (STUDENT TO STAFF): Written or spoken language or gestures that is offensive, abusive, or vulgar.

State Code: S0011

Examples: Cursing; name calling; comments about religion, weight, height, race, sexual orientation of staff or family members.

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- Recess Detention

Second Offense

- Parent/guardian notification
- Written notification
- After School Detention (2nd -6th Grade)
- Behavior modification plan
- Parent conference
- Exclusion or Suspension if parent is unable or refuses to pick up student

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Behavior Intervention
- Behavior Contract\ Modification Plan
- Out of School Suspension (1, 3, and 5 days in sequential order)
- After School Detention (2nd -5th Grade)

ATTENDANCE ISSUES: Student as unexcused absences and/tardies

State Code: S0022

K-6

First Offense (1 Day)

- Parent/guardian notification

- Complete missed assignments

Second Offense (3 day)

- Parent/guardian notification
- Complete missed assignments
- Written notification

Subsequent Offenses (5 day)

- Parent/guardian notification
- Written notification
- Parent Conference (Mandatory)
- Complete missed assignments
- Attendance Contract

Additional Options

- Family Crisis Therapist Referral
- Referral to School Climate Committee
- ***Referral to Truancy Family Court after 10 days)**

BURGLARY: Unauthorized entry of any locked area of school during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, and cabinets and retrieving items that do not belong to student.

State Code: C0135/S0111

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- Parent Conference

Second Offense

- Parent/guardian notification
- Written notification
- Out of School Suspension (1, 3, 5 days in sequential order)
- Behavior modification plan

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Behavior Intervention
- Behavior Modification Plan
- Behavior Contract

BULLYING: When 1 person or group of persons, targets another person with direct or indirect negative actions over a period of time which is harmful to the victim either physically or emotionally. A negative action occurs when a person knowingly inflicts, or attempts to inflict physical or emotional injury or discomfort to another person (See Appendix).

State Code: D0701

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Parent Conference
- Reported in e school if substantiated

Second Offense

- Parent/guardian notification
- Written notification
- Behavior modification plan
- After School Detention (2nd-6th)

Additional Options

- Out of School Suspension (1 day, 3 days, 5 days in sequential order) if substantiated by investigation
- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Parent Conference
- Behavior Intervention\ Modification plan
- Referral for Counseling

All cases of bullying will be thoroughly investigated by a member of the Administrative team.

CARELESS/RECKLESS

BEHAVIOR: Intentional/unintentional behavior that threatens to or causes personal injury or property *damage.*

Example: shoving, horseplay, tantrums

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- After School Detention (2nd-6th Grades)

Second Offense

- Parent/guardian notification
- Written notification
- Behavior modification plan
- Parent Conference
- Exclusion (based on severity)

Additional Options

- Restitution
- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (1, 3, and 5 days in sequential order)
- Behavior Intervention
- Behavior Contract\Modification Plan

Restitution will be required for any and all property damage.

CRIMINAL MISCHIEF/VANDALISM:

The destruction or defacing of school property or the property of others (including the unauthorized altering/tampering or vandalism to school owned electronic equipment and software).

State Code: D0301

Examples: Writing on desk, walls, or tables etc.; throwing,, shoving, kicking school property; destruction tampering with school technology equipment.

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- After School Detention (2nd -6th Grades)
- Behavior Intervention
- Recess Detention

Second Offense

- Parent/guardian notification

- Written notification
- Exclusion (based on severity)
- Parent Conference
- Behavior modification plan
- Behavior Intervention

Subsequent Offenses

- Parent/guardian notification
- Written notification
- Parent Conference

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Restitution
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)

Restitution will be required for any and all property damages

EXTORTION: Student attempts to obtain money, goods, or information from another by threat or force

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Parent Conference
- After School Detention (if substantiated 2nd-6th Grades)

Second Offense

- Parent/guardian notification
- Written notification
- Recess Detention
- Behavior modification plan
- Exclusion

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Parent/Parent Conference
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)
- Behavior Intervention\Modification plan

FIGHTING: Aggressive, physical conflict between two or more individuals; including, but not limited to punching, slapping, kicking, head locks.

State Code: D1101

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- After School Detention (2nd-6th Grades)
- Out of School (1 day)
- Exclusion- if at the start of the day, option to suspension

Second Offense

- Parent/guardian notification
- Written notification
- Student Conference
- Parent Conference
- Behavior modification plan
- Out of School Suspension (3 day)
- Behavior Contract

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)

INAPPROPRIATE SEXUAL

BEHAVIOR: (including, but not limited to, physical touching or intimate body parts or self): Consensual acts of affection or intimacy inappropriate to an educational setting; including, but not limited to, any action or suggestion by 1 or more persons involving the use or display of body parts generally referred to as “private.”

State Code: D1801

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference

- Referral for Counseling
- After School Detention (2nd-6th Grades)
- Out of School Suspension

Second Offense

- Parent/guardian notification
- Written notification
- Dean –Student Conference
- Parent Conference
- Behavior modification plan
- Referral for Counseling
- Exclusion or Out of School Suspension (1 day) if parent is unable to pick up student, based on severity.
- Behavior Contract

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Parent Conference
- Behavior Intervention

LEAVING SCHOOL PROPERTY

WITHOUT PERMISSION: 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.

State Code: S0051

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Exclusion
- Parent Conference (Mandatory)
- After School Detention

Second Offense

- Parent/guardian notification
- Written notification
- Dean –Student Conference
- Parent Conference (Mandatory)
- Behavior Contract
- Out of School Suspension (1 day)

Additional Options

- Referral for Counseling

- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (1 day, 3 days, 5 days in sequential order) subsequent offenses

INSTIGATION: Behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals.

State Code: S0102

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- After School Detention (2nd-5th Grades)
- Recess Detention (K-1st Grades)

Second Offense

- Parent/guardian notification
- Written notification
- Parent Conference

Subsequent Offenses

- Parent/guardian notification
- Written notification
- Parent conference

Additional Options

- Referral to the School Climate committee
- Behavior Contract
- Behavior Intervention

OFFENSIVE TOUCHING

STUDENT TO STUDENT: An intentional act taken against a student with a part of the body or with an instrument (including but not limited to shoving, pushing, and striking) thereby causing offense, alarm, or minor physical harm.

State Code: D0801

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- Restitution
- After School Detention
- Out of School Suspension (1 day)
- Parent Conference

Second Offense

- Administrative/Student Conference
- Parent Conference
- Behavior modification plan
- Out of School Suspension (1 day)

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee

Second Offense

- Parent/guardian notification
- Written notification
- Out of School (1 day)
- Behavior modification plan
- Parent conference
- Behavior Contract
- Dean – Student Conference
- Restitution

Subsequent Offenses

- Parent/guardian notification
- Written notification
- Parent Conference
- Restitution

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (1 day, 3 days, 5 days in sequential order and severity of offense)

SEXUAL HARRASSMENT: A threat to engage in conduct likely to result in the commission of a sexual offense against another individual. The offender suggests, solicits,

requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.

State Code: D1001

K-6

First Offense

- Parent/guardian notification
- Written notification
- Parent Conference
- Administrative\ Student Conference
- After School Detention
- Exclusion (based on severity)

Second Offense

- Parent/guardian notification
- Written notification
- Parent Conference
- Behavior modification plan
- Referral for Counseling
- Out of School Suspension (1 day)

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)
- Behavior Contract
- Exclusion

SMOKING/POSSESSION OF TOBACCO/TOBACCO

PRODUCTS: This offense applied at school activities, in school buildings, on school grounds, or on school field trips. Possession includes, but is not limited to, on student's person, in student's belongings, or under reasonable control by placement of and knowledge of the whereabouts of tobacco.

State Code: S0061

K-6

First Offense

- Parent/guardian notification
- Written notification
- Administrative/Student Conference
- Referral for Counseling

- After School Detention
- Parent Conference

Second Offense

- Parent/guardian notification
- Written notification
- Exclusion
- Parent Conference
- Behavior Contract
- Out of School Suspension (1 day)

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)

TAMPERING WITH EMERGENCY

DEVICES: Activating any emergency system

Example: Pulling the fire alarm, tampering with sprinklers, tampering with security cameras.

State Code: S0151

K-6

First Offense

- Parent/guardian notification
- Written notification
- Exclusion
- Parent Conference
- Out of School Suspension (1day)
- After School Detention (2nd-6th)

Second Offense

- Parent/guardian notification
- Written notification
- Out of School Suspension (3day)
- Administrative Conference
- Behavior modification plan
- Out of School Suspension (3 days, 5 days in sequential order)
- Parent Conference
- Referral for Counseling

Additional Options

- Behavior Intervention
- Referral for Counseling

- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Out of School Suspension (3, 5, 7 days in sequential order)

THEFT/POSSESSION/TRANSFER OF STOLEN GOODS:

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

State Code: S0111

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- Exclusion
- After School Detention (2nd-6th)

Second Offense

- Parent/guardian notification
- Written notification
- Out of School Suspension (1day)
- Behavior modification plan
- Parent Conference

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Behavior Contract/Modification Plan
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)
- Behavior Intervention

THREATENING BEHAVIOR TO

STAFF: A threat to engage in menacing behavior that is violent or sexual in nature to an individual staff member, not a group or community – without physical contact – that would cause a reasonable person offense annoyance, or alarm.

orientation of staff or family members.

State Code: S0104

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- After School Detention (2nd-6th)

Second Offense

- Parent/guardian notification
- Written notification
- Exclusion
- Behavior modification plan
- Behavior Contract
- Parent Conference

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Behavior Intervention
- Behavior Contract\Modification Plan
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)

THREATENING BEHAVIOR TO

STUDENT: A threat to engage in menacing behavior that is violent or sexual in nature to an individual student, not a group or community – without physical contact – that would cause a reasonable person offense, annoyance, or alarm.

State Code: S0105

K-6

First Offense

- Parent/guardian notification
- Written notification
- Teacher/Student Conference
- In-Class Cool Down
- After School Detention (2nd-6th)

Second Offense

- Parent/guardian notification
- Written notification
- Exclusion
- Behavior modification plan
- Parent Conference

Subsequent Offenses

Additional Options

- Referral for Counseling
- Family Crisis Therapist Referral
- Referral to School Climate Committee
- Behavior Intervention
- Recess Detention
- Parent/Parent Conference
- After School Detention
- Behavior Contract
- Out of School Suspension (1 day, 3 days, 5 days in sequential order)

MAJOR INFRACTIONS

- 1. Mandatory report to DOE**
- 2. Restitution/Restoration if necessary**
- 3. If a requirement of DOE, Police will be contacted.**
- 4. Referral to School Climate Committee**

ARSON: Any act utilizing fire, smoke, or explosives which cause alarm or danger to life; including but not limited to willful or malicious burning of school property, its contents, or the property of others.

State Code: C0134

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Out-of-school suspension (3-5)
- Referral for Counseling

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5-7)
- Referral to the School Climate Committee

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charges)
- Restitution

- Alternative Placement (based on state statute)
- Family Crisis Therapist
- Restitution

ASSAULT ON STAFF: A reckless intentional physical act using force upon a staff member resulting in *physical injury*.

State Code: D1702

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3-5)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5)
- Referral to the School Climate Committee
- Behavior Intervention
- Behavior Modification Plan

Additional Options

- Family Crisis Therapist Referral
- Police notification
- Alternative Placement (based on state statute)
- Expulsion (based on criminal charge)
- Restitution

ASSAULT ON STUDENT: An intentional, physical attack using force upon a person resulting in *physical injury*.

State Code: D1701

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Behavior intervention
- Out-of-school suspension (3-5)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Behavior intervention
- Out-of-school suspension (5)

Additional Options

- Behavior Modification Plan
- Referral to Counseling
- Alternative Placement
- Restitution
- Family Crisis Therapist Referral
- Police notification
- Alternative Placement (based on state statute)
- Expulsion (based on criminal charge)

**DANGEROUS INSTRUMENT(S)
POSSESSION/CONCEALMENT**

SALE: Regardless of possessor's intent, any unauthorized

possession/concealment/sale of an instrument, article or substance which is readily capable of causing serious physical injury or death. If the full blade of a knife is less than 3 inches, the item will be considered a dangerous instrument.

State Code: C0621

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral to Counseling
- Out-of-school suspension (3-5)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral to Counseling
- Out-of-school suspension (5)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charge)
- Restitution

- Alternative Placement (based on state statute)

WEAPONS/DEADLY WEAPON(S) POSSESSION/CONCEALMENT/SALE:

Regardless of possessor’s intent, any possession/concealment/sale of a weapon/deadly weapon. The Weapon/Deadly Weapon list includes, but is not limited to, firearms, pellet guns (hard and soft), BB guns, air guns, bombs, electric weapons, projectile devices, knives with a full blade measuring 3 or more inches, switch-blade knife, mace, pepper gas, blackjack, bludgeon, metal knuckles, slingshot, razor, razor blades, box cutter, xacto knife, utility knife, bicycle chain, ice pick, taser, and non-functional weapons. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when used, displayed in threatening manner, or attempted to be used, to *cause death or serious physical injury*.*

State Code: C0608 – C0626 (See eschoolplus)

K–6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3-5)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charge)
- Restitution
- Alternative Placement (based on state statute)
- Referral for Counseling
- Behavior Intervention

DISTRIBUTION OF DRUGS AND/OR ALCOHOL AND/OR PARAPHERNALIS:

Sale, transfer, or distribution in school, on school property, or on school field trip of drugs, alcohol, drug-like substance, or look-alike substances. This situation includes prescription drugs or over-the-counter drugs. Regardless of possessor’s intent, possession of excessive amounts of drugs/alcohol or look-alike substances are considered as "possession with intent to deliver". An "illegal substance" includes all substances which fall under the definition of "controlled substances" set forth in the Uniform Controlled Substances Act (16Del. C.Sec.4701 et. seq.).

State Code: D1401

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3-5)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charges)
- Restitution
- Alternative Placement (based on state statute)
- Behavior Intervention

Any student who distributes drugs that are subsequently consumed by a student resulting in an altered state or physical harm is subject to expulsion.

USE AND/OR POSSESSION OF DRUGS AND/OR ALCOHOL AND/OR PARAPHERNALIA:

Regardless of possessor’s intent, to possess on your person or among your personal belongings, or to use or have consumed alcohol, drugs or any illegal substance. This includes being under the influence, even if use occurred off school grounds. This situation includes look-alike substances, prescription drugs*, and over-the-counter drugs*.

Possession of excessive amounts of drugs and/or alcohol or look-alike substances is considered “possession with intent to deliver” and is treated as the Offense Category III violation: “Distribution of Drugs and/or Alcohol and/or Paraphernalia.”

** This does not include drugs distributed by the school nurse.*

State Code: D1301, D1401, D1501

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3-5)
- Police Notification

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charges)
- Restitution
- Alternative Placement (based on state statute)
- Behavior Intervention

OFFENSIVE TOUCHING TO

STAFF: An intentional act taken against a staff member with a part of the body or with an instrument (including but not limited to

shoving, pushing, and striking) *thereby causing offense or alarm.*

State Code: D1901

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3-5)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charge)
- Restitution
- Alternative Placement (based on state statute)
- Behavior Intervention

RAPE OR ATTEMPTED RAPE:

Forced or attempted forced sexual contact (including Unlawful Sexual Contact) without consent of victim.

State Code: C0120- C0126

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3)

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (5)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion (based on criminal charges)
- Behavior Intervention
- Restitution
- Alternative Placement (based on state statute)

ROBBERY: To obtain or attempt to obtain mainly goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon.

State Code: C0138, C0139

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3)
- Police Notification
- Restitution

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Out-of-school suspension (5)
- Police notification
- Behavior Modification Plan
- Referral for Counseling

Additional Options

- Expulsion
- Restitution
- Alternative Placement (based on state statute)

TERRORISTIC THREATENING:

A verbal, written or physical threat to commit any act likely to result in death or serious injury to persons (groups, communities, assemblages) or property; including, but not limited to, false statements or actions likely to cause evacuation of a building, place or assembly of facility of public transportation. This also includes statement(s), behavior or

acts made that are likely to cause serious inconvenience or in reckless disregard of the risk of causing terror or serious inconvenience. Including but not limited to bomb threats, false fire alarms, and terroristic threats***.

State Code: D0901 Staff – D2001

K-6

First Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Out-of-school suspension (3)
- School Based Counseling

Additional Options

- Police notification
- Alternative Placement
- Expulsion
- Restitution

Second Offense

- Parent/guardian notification
- Parent/guardian conference
- Written notification
- Referral for Counseling
- Behavior Intervention
- Out-of-school suspension (5-7)

Additional Options

- Police notification
- Behavior Modification Plan
- Expulsion
- Restitution
- Alternative Placement (based on state statute)

CHAPTER 4: TRANSPORTATION

The Academy contracts the transportation services of pupils. Bus transportation will be provided for students who live in the Christina School District where Kuumba is located and who live a mile or more from the school's address (519 North Market Street).

Parents of students who live in other school districts (outside the Christina School District) must make arrangements for their child(ren) to be brought to and/or picked up from a bus stop designated along the Kuumba Academy Route. Specific state criterion must be met in order for a family to be considered eligible for reimbursement; contact the school if you have questions concerning eligibility.

Kuumba Academy transports students in accordance with all public school transportation safety regulations. Students riding buses will be dropped off at and picked up from the school on 6th Street, three (3) feet from curbside near the front entrance of the building.

Students transported by parents should be discharged in the morning at the main entrance on Market Street (front building entrance). When picking up your child after-school, please meet him or her promptly at the scheduled 3:30 PM dismissal time. Parents may enter the building in the rear through the Shipley Street entrance. The Shipley Street entrance will be open at 3:25 PM. Students awaiting parent pick-up will be located in the cafeteria supervised by school personnel until 3:55 PM. The Shipley Street entrance will be clearly marked with signage. If your child is registered for and participates in the after-school program, he/she will be directed to program staff. Students who are not registered with the after-school program and whose parents have not arrived at the scheduled dismissal time to pick them up will be directed to the after-school program staff on a one-time basis; parents must pay any fees incurred by the after-school program staff for providing activities the child. Parents whose child is not registered for the after-school program and who fail to pick up their child by 4:00 p.m. without a phone call to the school, will be reported to the Wilmington police department.

BUS TRANSPORTATION

THE BUS IS AN EXTENSION OF THE SCHOOL DAY. THE STUDENT CODE OF CONDUCT REMAINS IN EFFECT ANY TIME A STUDENT IS ON A SCHOOL BUS (including the assigned bus to and from school, activity buses, field trip buses, etc.)

BUS PRIVILEGES

Riding the school bus is a privilege for each student. If the following rules and regulations are not followed, the student may no longer be given the opportunity or

privilege to ride a bus is a suspended or revoked, the parent(s)/guardian will be responsible for transporting their child to and from school.

SCHOOL BUS SAFETY RULES

Students and parent(s)/guardian(s) have the responsibility to know and respect the rules as described in the School Bus Safety Regulations manual. The Code of Conduct will apply to all violations while boarding riding, or exiting buses.

1. Listen to the bus driver /bus aide and follow directions.
2. Stay seated (**HINT: Back to Back; Bottom to Bottom; Book bag on your lap**)
3. Keep the aisle clear. Walk down the aisles.
4. No eating or drinking on the bus
5. NO FIGHTING – keep hands and feet to yourself; no horseplay.
6. TALK QUIETLY – no shouting, no screaming, no loud noises, etc.
7. All body parts belong inside the bus – Hands, head, feet, hair, etc.
8. Do not throw objects inside, out of the bus, or around the bus – Keep everything inside your book bag.
9. DO NOT TOUCH EMERGENCY EQUIPMENT – Back and side door, windows, roof hatches, 2 way radio, drivers’ controls and first aid kits.
10. Do not damage bus property.

Along with Bus Safety Rules, the following regulations will assist with safety, prompt arrivals and departures of buses and promoting positive attitudes on the part of students. Violations of these regulations may result in disciplinary actions.

1. **STUDENTS MUST RIDE THEIR ASSIGNED BUS TO AND FROM THEIR ASSIGNED STOP. SWITCHING BUSES FOR ANY REASON IS STRICTLY PROHIBITED.**
2. Students should help keep the bus clean, sanitary and orderly. They must not damage or destroy bus seats or equipment.
3. Students are not to leave the bus without the driver’s permission, except on arrival at their regular bus stop or at school.
4. The bus windows should not be opened without permission from the driver.
5. Students are not permitted to smoke.
6. Students are not to use abusive language or profanity, obscene gestures, or spit on the bus.
7. Students are to enter the bus, immediately take a seat, and remain seated until the bus comes to a complete stop.
8. Students are to conduct themselves while on the bus in such a way that will not distract the driver. Distracting the driver puts everyone at risk.

SAFETY PROCEDURES FOR BOARDING AND EXITING THE BUS

- Students should never stand or play in the street while waiting for the bus.

- If crossing a street to board the bus, students **MUST** look both right and left for cars, wait for driver's signal to cross, and make sure the RED lights are flashing. Always cross the street in **FRONT** of the bus. Before boarding and exiting the bus, students must keep a safe distance from the bus.
- Students should enter the bus without crowding or pushing.
- Do not stand in the danger zones of a school bus (Minimum of feet all around the bus).

MEETING STUDENTS AT ASSIGNED BUS STOPS

To ensure the safety of the students, Kuumba Academy Charter School requires a parent/guardian or designee to meet their child at their assigned bus stop each and every day. Older students can be permitted to walk from the designated stop with a signed note from parent/guardian. Please see the Dean of Student Services for more information.

Failure of a parent/guardian or designee to meet their child as identified above at their assigned bus stop will result in the following action:

- Transportation will contact the school and report that no one is at the bus stop to receive the child.
- Transportation will return the student to school. The parent will be responsible for picking the child up at the school. At this time, the parent will receive a letter reminding them of the school's policy.
- **Second Offense:** Parent will receive a warning indicating additional offenses will result in termination of transportation.
- **Third Offense:** Will result in terminating transportation services along with a referral to the Division of Family Services.

BUS CHANGE GUIDELINES

Bus transportation cannot be viewed as a taxi and/or shuttle service. Please review the following guidelines for bus changes:

1. Bus routes and assignments can **ONLY** be changed by the Transportation Department.
2. Once the school makes address and/or day care changes, transportation will assign a bus stop in accordance with Kuumba Academy Charter School policy and procedures and adjust the bus route within 48 hours.
3. The Transportation Office will not give permission for a student to ride a different bus, except in emergencies.
4. Change bus assignments for social events, school projects, parental vacations, getting to work location, visiting another student, getting to a work location, or allowing multiple drop-off locations for different days are not acceptable reasons.

The administration of the school is placed in an untenable position regarding liability and insurance when students ride a bus without their name being on the bus roster.

DENIAL OF BUS PRIVILEGES

Denial of bus privileges is either a temporary or permanent removal of the opportunity to ride the school bus. In all cases of denial of bus privileges, an attempt shall be made to notify the parent(s)/guardian(s) by telephone, with written notification of the denial sent to the parents within twenty-four (24) hours. Denial bus privileges shall not be used as a disciplinary action for non-bus related violations.

During the denial of the bus privileges, it shall be the parents' responsibility to provide the student's transportation to and from school. Denial of bus privileges includes **both the regularly assigned bus**. Should the student be absent during the bus suspension, the responsibility for initiating the make-up work and turning in assignments rests with the student.

Prior to the denial of bus privileges, the student shall:

- A. Be given oral or written notice of the changes and be told who is making these charges or complaints.
- B. Be given an opportunity to present his/her side of the story.
- C. Have had a prior opportunity to know that the misbehavior was in violation of established rules and regulations.
- D. Be advised that denial of bus privileges may be appealed to the next high authority.

Please call Dean of Students Services for all questions and concerns related to transportation.

CHAPTER 5: DISCIPLINARY PROCEDURES

ASSIGNMENT TO AN ALTERNATIVE PROGRAM

Assigned to alternative programs* is the placement of a student, with appropriate consideration of due process, in a program designed to meet the student's particular needs. Alternative programs may be located at the student's home school, another school site, or alternative location.

- A. Placement in an alternative school/program to address behavioral, motivational, and/or disciplinary issues will be implemented after the behavior management interventions that can be implemented in the regular school program are attempted. If the Head of School determines that such intervention measures are unsuccessful, placement in an alternative school/program may be recommended.

- B. Prior to placement in an alternative program the student and the student's parent(s)/guardian(s) shall be conferred with about the student's need to be in the special program.
- C. Placement in an alternative school/program may result in a student's violation of the Code of Conduct. Placement in an alternative school/program may occur in lieu of expulsion or another disciplinary measure, depending on the particular violation of the Code of conduct and the circumstances involved in the violation
- D. Following the conference the student and the student's parent(s)/guardian(s) shall be given written notice of:
 1. the circumstances which led the placement;
 2. the circumstances which led to the placement;
 3. how the special program is designed to meet the student's needs; and
 4. the conditions, which must be met in order for the student to return to the regular school program.
- E. The student and the student's parent(s)/guardian(s) shall be advised that placement in the alternative school/program does not require parental approval, and shall be informed that the placement decision may be appealed pursuant to the Student Grievance Procedure.
- F. Continued offenses after placement in an alternative program will be considered a serious breach of this Code and may result in a possible recommendation for expulsion.

*Alternative Program for Kuumba Academy Charter School is homebound instruction. Students on homebound instruction shall have an individual service plan (ISP) on file and must receive a minimum of 3 hours of standards based instruction per week.

DISCIPLINE OF STUDENTS WITH DISABILITIES

- A. A For disciplinary reasons, a Head of School may change the placement of a student with a disability to an alternative school/program for up to ten (10) school days or suspend such a student, if the total days suspended in the current school

year do not exceed ten school days, in accordance with guidelines for disciplining students without disabilities.

- B. A Head of School may also change the student's placement to an alternative setting selected by the student's school-level individualized educational plan (IEP) team, or a multi-disciplinary team, for up to 45 days if:
 - 1. The student carries a weapon to school or to a school function; or
 - 2. The student knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances while at school or a school function.
- C. A school may seek the determination of an impartial hearing officer that a student with a disability should be removed from the student's regular school. A hearing officer may order that the student be placed at an alternative school/program for up to 45 days if the officer determines that maintaining the student at his/her current school is substantially likely to result in injury to the student or to others.
- D. If the district contemplates expulsion, alternative placement (with or without expulsion), or suspension (inside or out of school) of a student with a disability in excess of ten (10) school days cumulatively in one school year, a special education team meeting at the school level will be convened to discuss the student's discipline. The meeting may be held up to ten (10) days after the removal of a student from school under paragraphs A or B above.
- E. The school-level special education (IEP) team will determine whether the alleged conduct was a manifestation of the student's disability. If the special education team determines that the misconduct was not a manifestation of the student's disability, the student may be disciplined according to the Code of Conduct, except that a student with a disability as defined by I.D.E.A. may not be denied a free appropriate public education. If the special education team determines that the misconduct was a manifestation of the student's disability, the student may only be disciplined in accord with the requirements of I.D.E.A. or Section 504 of the Rehabilitation Act of 1973, whichever is applicable.
- F. A parent/guardian who disagrees with the school-level special education team's determination education team's determination or the Head of School's disciplinary decision may request a District-Level meeting to review the decision. A parent may also be entitled to a due process hearing to appeal the district's decision. If the student has been placed in an alternative school/program, the student will remain in the alternative placement until the due process hearing officer renders a decision or for 45 days, whichever occurs first, unless the District and parent(s)/guardian(s) agree otherwise. G. A student identified as disabled under Section 504 of the Rehabilitation Act of 1973 and who is currently engaging in the illegal use of drugs or use of alcohol, may be disciplined with regard to their use or possession to the same extent that students without disabilities are disciplined. H. Nothing stated herein shall preclude a school-level special education team from placing a student with a disability, determined to

have brought a firearm to school, in an interim alternative educational setting in accordance with State and Federal law.

Definitions used in this section

“A ‘student with a disability’ refers to a student eligible for special education or related services under the Individuals with Disabilities Education Act (I.D.E.A.), or a handicapped student, as defined by Section 504 of the Rehabilitation Act of 1973.”

“Special education team” refers to an Individual Educational Program (IEP) team for students eligible under the I.D.E.A., which includes the student’s parent/guardian, and a multi-disciplinary team for students eligible under Section 504 and not eligible under the I.D.E.A.”

SUSPENSION FROM SCHOOL

Prior to a suspension from school the student shall:

1. be given oral or written notice of the charges and be told on what evidence the decisions may be made;
2. be given the opportunity to present the student’s side of the story; and
3. have had prior opportunity to know that the alleged actions were in violation of established rules and regulations.

The parent/guardian will be advised that the suspension may be appealed to the Dean or Head of School.

Generally, the notice and conference should precede the student’s removal from school. However, if this is not feasible or of the immediate removal of the student from school is necessary notice and conference, if requested, will follow as soon as practical.

In all cases of suspension, an attempt shall be made to notify the parents/guardians by telephone to request that the student be picked up from school. Students whose parents/guardians cannot be reached by telephone will be retained at school until the end of the school day.

When a student is suspended, written notification of the suspension shall be sent to the parents/guardians within twenty-four (24) hours. The notification shall state the cause and duration of the suspension. If the suspension is for more than three (3) days a definite time and date for a conference shall be scheduled at a place designated by the school administrator. A member of Student and Family Services is required to hold a conference, to include the parent and child, prior to readmission of the student.

EXPULSION

Expulsion is the exclusion of a student from his/her regular school program for a period to be determined by Kuumba Academy Charter School, not to exceed 180 school days (one school year). A student may be expelled for any behavior that is illegal under Delaware or Federal law. This behavior may include attempted crimes, aiding or abetting other criminal acts, or conspiracy to commit crimes. Moreover, bringing a firearm, dangerous weapon or instrument, incendiary device, Molotov cocktail, or bomb (as those terms are defined by Delaware law) to school may subject a student to expulsion. Possession of look-a-like dangerous weapons or instruments which are illegal, as well as truancy, defiance of school authority, disruption of the educational process, fighting, inappropriate sexual behavior, or setting off a false fire alarm are other behaviors which may subject a student to expulsion. This is not an exhaustive list of offenses that may result in expulsion.

EXPULSION PROCEDURES

When it is alleged that a student committed a violation of the Student Code of Conduct, which may result in a recommendation for expulsion, the following procedures shall be followed.

Level I – Student and Family Services

- A. A member of Student and Family Services will conduct a preliminary investigation to determine if there is a reasonable cause to pursue disciplinary action. Student and Family Services will inform the parent and the student of the charges. The student will be given an opportunity to “tell his/her side of the story”. If it is decided to proceed the following will be instituted:
 1. Student will be immediately suspended;
 2. Student and parent/guardian will receive written notification of all charges;
 3. The student and parent/guardian will be informed of the date /time of conference to review the case. The conference will be held at a mutually agreeable time as soon as possible, but within five (5) school days from the first day of suspension. If agreement cannot be reached within the five-day limit, the department will set the date/time. Notification of the scheduled conference will be sent to the parent/guardian. Telephone contact will also be attempted. The parent/guardian may bring on advocate to this conference;
 4. At the conclusion of the conference, Student and Family Services will inform the parent/guardian if expulsion is to be recommended;
 5. If the decision is to recommend expulsion, the recommendation along with all supporting materials, must be submitted to Kuumba Academy Charter School Head of School and Dean within two (2) days of the conference; and
 6. Days, as used at this level, shall mean school days unless it is the end of the student year; then day shall mean calendar days including Saturday, Sunday, and holidays.

Level II – School Administration

Upon receipt of expulsion from the building level, the following will be implemented:

- A. A Kuumba Academy administrative assistant will notify the student and the parent/guardian that a formal Hearing will be held to consider to recommendation for expulsion.
- B. The Hearing shall be held not less than three (3) or more than ten (10) calendar days after receipt of Notice of Hearing. The Notice of Hearing shall be deemed to be received on the third calendar day following the day of mailing. This time period may be waived by agreement of the parties.
- C. The Notice of Hearing will be sent by certified mail or hand delivered and shall give the date, time, and location of the Hearing. A copy of the Kuumba Academy Charter School Expulsion procedures will also be included with the Notice.

The student and parent/guardian will also be given the following:

- 1. The reason(s) for the recommendation of expulsion;
 - 2. The names of the witnesses who will be appear the Hearing; and
 - 3. Copies of statements /information that will be submitted as evidence at the Hearing.
- D. At least twenty-four (24) hours prior to the Level II Hearing the parent/guardian must submit the following information to the Head of School/Dean:
 - 1. Name of the student advocate or legal counsel (if the student will be represented by one); and
 - 2. Names of any witnesses who will be brought to the Hearing.

Note: If any of the witnesses are minors a copy of the parent’s/guardian’s permission for the child to attend must also be included.

- E. The Hearing shall be conducted by a hearing officer/panel selected by the Board of Directors. The hearing officer/members of the panel may be employees of Kuumba Academy Charter School, but must not have been involved in the process at the Student and Family level.
- F. The hearing officer/panel shall have full authority to admit or exclude evidence. The hearing officer/panel, in conducting the Hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer/panel shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witnesses shall be required to swear or affirm their testimony.

- G. In conducting the Hearing, the Head of School and Dean shall submit evidence first followed by the response of the student, if any. Further rebuttal evidence by either party may be presented if the hearing officer/panel determines such evidence is necessary.
- H. The student shall have the following rights:
1. To be represented by counsel at the student's expense;
 2. To cross-examine witnesses;
 3. To testify and produce witnesses on his/her behalf; and
 4. To obtain, at the student's expense, a copy of the tape of the Hearing.

Level III – Board of Directors

- A. Within five (5) calendar days following the conclusion of the Hearing, the hearing officer/panel shall prepare a written report (the Report) for the Board of Directors. This Report shall frame the issues, summarize the evidence, state the conclusions of fact, and make a recommendation as to whether the school administration should recommend to the Board that the student be expelled or the Head of School should implement some alternative disciplinary action or program.
- B. A copy of the Report shall be available to the student/parent/guardian at Kuumba Academy Charter School commencing with the sixth calendar day following the conclusion of the Hearing. The student/parent/guardian shall be deemed to have received the Report on the sixth day following the conclusion of the Hearing and shall have three (3) calendar days from the date of such receipt, including the day the student/parent/guardian received the Report, within which to file a written response noting exceptions to the Report and presenting any argument he/she may have. If the student/parent/guardian, but the three (3) days within which to file a written response shall nevertheless begin to run on the sixth calendar day following the Hearing. The written response must be filed at Kuumba Academy Charter School with the Head of School.
- C. The student/parent/guardian may have a greater period of time to file a written response provided that the student/parent/guardian submits a written request for an extension of time within three (3) calendar days of the receipt of the Report. In no event shall an extension of time greater than ten (10) calendar days be granted.
- D. A written request for an extension of time shall automatically waive the requirement that the Board of Directors make a decision within the timeframe outlined in Section III F.
- E. The Kuumba Board of Directors shall accept or modify the recommendation of the hearing officer/panel within (5) calendar days of receiving the Report. The decision of the Kuumba Board shall be communicated to the student/parent/guardian by telephone and mail.

- F. If the Kuumba Board of Directors recommends expulsion to the State Board of Education, the Kuumba Board shall make its decision at the next scheduled public Board Meeting that is held at least (10) calendar days after the conclusion of the Hearing. The review shall be conducted by a majority of the members of the State Board and shall be based solely upon the Report from the Hearing officer/panel, the record of the Hearing, and the written responses, if any, by the student/parent/guardian. The State Board may accept, reject, or modify the recommendation of the Kuumba Board of Directors.
- G. Except as is otherwise provided herein, within ten (10) calendar days of the conclusion of the review by the Board, the Board, through its designee, shall submit its decision to the student/parent/guardian in writing.

Calculation of Time

In calculating periods of time in Step II- Administrative Level and Step III- Board Level, intervening Saturdays, Sundays, and legal holidays shall be included unless the last day of the period falls on either a Saturday, Sunday or legal holiday, and in that case the last day shall be the next day which is not a Saturday, Sunday, or legal holiday.

Duration of Expulsion

A student is expelled for 180 school calendar days. During the expulsion period a student is denied attendance at any school, facility, or program in the Kuumba School District.

Application for Readmission

- A. At the end of 180 calendar days following the Kuumba Board action to expel, a student and his/her parents may apply for approval from the Board of Education for readmission to the school in the student's home district. It is required that the student and his/her parent submit information concerning the activities of the student during expulsion using a state supplied readmission form. At the State Board's discretion, the student may be required to appear before the Board regarding readmission.
- B. To be scheduled for a State Board of Education Meeting it is necessary for the completed readmission form to be received at the Home School ten (10) days prior to the scheduled meeting.

Readmission

- A. A student shall re-enter on a date to coincide with the beginning of a marking period or semester as defined by the school calendar. The student's school placement will be decided by the Superintendent/Designee.

- B. A student shall be placed on probation for one (1) calendar year (365 days) following the date of readmission.
- C. Conditions of readmission shall be established by the Board through a written behavioral contract by appropriate school personnel and signed by the student and his/her guardian/parent. Violation of the contract during the probationary year will result in a recommendation for expulsion.

Expulsions from other Districts

A student expelled from another school for behavior and conditions expellable by this Code of Conduct will be denied admission to this school during the period of expulsion as defined in this document.

CHAPTER 6: DRUG AND ALCOHOL POLICY

The Kuumba Academy Charter School staff is dedicated to the welfare of the students. This policy is intended to protect the health, safety and welfare of all concerned as well as maintain and improve the rapport between students and staff. The policy, including its rules, regulations and guidelines, is an effort by the Kuumba Academy Charter School and its Board of Directors to openly and effectively respond to the current and potential uses and abuses of drugs, alcohol, and drug-like substances by members of its entire student population.

The Kuumba Academy Charter School will work to educate, prevent, and intervene in the use and abuse of all drug, alcohol, and drug-like substances by the entire student population. This will be accomplished through the use of a drug curriculum, classroom and extra-curricular activities, parent/guardian/community support and resources, a strong and consistent administrative and faculty effort, and rehabilitative and disciplinary procedures.

As an extension of this policy, the following rules, regulations, and guidelines shall be used by all Kuumba Academy Charter School personnel when responding to drug, drug-like substance, and alcohol related situations.

POLICY

Since possession, distribution, and consumption of alcohol or illegal drugs is in violation of certain state and federal statutes, the State Board of Education Policy on the Possession, Use, or Distribution of Drugs and Alcohol, as well as the Kuumba Academy Charter School Student Code of Conduct, the Kuumba Academy Charter School Board of Directors hereby declares that such illegal possession, distribution, or consumption have no relationship to the rightful and legal pursuit of educational opportunities, nor to a positive and wholesome climate for learning. The following policy and administrative guidelines on the possession, use, or distribution of drugs/alcohol shall apply to all Kuumba Academy Charter School students.

The possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia are harmful to students and are prohibited within the school environment. Communication devices, such as but not limited to, mobile telephones and electronic beeper, ordinarily have no place in the school environment. The unauthorized possession of such communication devices is prohibited. Communication devices are to be confiscated by the administration. If the devices are involved in a criminal act, they are to be turned over to the appropriate police agency. If not involved in a criminal act, the communication devices may be returned to the parent or guardian of the student. Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion. Personal possessions, such as coats, purses, book bags, etc., may also be subjected to search with reasonable cause.

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 Head of School or designee, and be made available in the case of a medical emergency, for identification. All substances shall be sealed and documented, and in the case of substances covered by Del. C., Ch. 47, turned over to the police as potential evidence. A request for analysis shall be made where appropriate.

Guidelines for Drug and Alcohol Violations Policy

Definition of Terms:

The following definitions shall apply to the Policy for the District on the Possession, Use, or Distribution of Drugs and Alcohol.

- A. **"Alcohol"** shall mean alcohol or any other alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine and beer.
- B. **"Drug"** shall mean any controlled substance or counterfeit substance as defined in Chapter 47 of Title 16 of the Delaware Code, including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.
- C. **"Drug Paraphernalia"** shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the Del. Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.
- D. **"Prescription Drugs"** shall mean any substance obtained directly for or pursuant to a valid prescription or order of a practitioner, as defined in Title 16, Del. Code,

Sec. 4701 (24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.

- E. **"Drug-Like Substance"** shall mean any non-controlled and/or nonprescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over-the-counter cough medicines, certain types of glue, and caffeine pills.
- F. **"Non-Prescription Medication"** shall mean any over-the-counter medication; some of these medications may be drug-like substance.
- G. **"Look-Alike Substance"** shall mean any non-controlled substance that is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is a drug or non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See 16 Del. Code Sec. 4752A.
- H. **"Possess," "Possessing,"** or **"Possession"** shall mean that a student has on the student's person, in the student's belongings, or under the student's reasonable control by placement of and knowledge of the whereabouts of, alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia.
- I. **"Use"** shall mean that a student is reasonably known to have ingested, smoked or otherwise assimilated alcohol, a drug or a drug-like substance, or is reasonably found to be under the influence of such a substance.
- J. **"Distribute," "Distributing,"** or **"distribution"** shall mean the transfer or attempted transfer of alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.
- K. **"School Environment"** shall mean within or on school property, and/or at school sanctioned or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at extracurricular activities held on and off school grounds, on field trips, and at functions held at the school in the evening.
- L. **"Expulsion"** is the exclusion of a student from his or her regular school program for a period determined by the district not to exceed 180 school days. A student who is expelled shall be denied attendance at any school or facility in the Kuumba Academy Charter School except students who have been expelled from their regular school program and are placed in an alternative school/program housed in a Red Clay school or facility.
- M. **"Student Assistance Program"** Student and family Services is composed of school personnel. This team has been trained to understand and work on the issues

of adolescent chemical use, abuse, and dependency and will play a primary role in the identification and referral process of student's coming to their attention through the procedures outlined in this policy.

APPENDIX 1

GLOSSARY OF DISCIPLINARY TERMS

Administration

Administration includes the Head of School, Dean, Director of Operations and building administrative staff.

Behavioral Contract

A behavioral contract is a written agreement among a student, the student's parent, and an administrator, which specifically states the conditions that, unless met, will result in further disciplinary action and possibly a recommendation for expulsion.

Bus Transportation Suspension

Denial of bus transportation is the temporary or permanent withholding of bus transportation for misconduct on the school bus, disrespect to the driver, or vandalism to the bus. Only an administrator may take such action. During the denial of school bus transportation, *parents are responsible for getting the student to school.*

Detention

A detention is an established time when a student is detained in a supervised area.

Disciplinary Probation (Options for School Discipline Committee)

Disciplinary probation is a condition whereby a student must fulfill specific commitments and/or be denied certain privileges until behavior improves.

Exclusion Temporary removal from school.

Expulsion

Expulsion is the exclusion of a student from his/her regular school program for a period determined by the School not to exceed 180 school days. A student who is expelled shall be denied attendance at any school or facility in the Kuumba Academy Charter School except students who have been expelled from their regular school program and are placed in an alternative school/program housed in a Kuumba Academy Charter School or facility.

Hearing to Determine Appropriate Disciplinary Action

A formal discipline hearing held at the School Level by the Superintendent or designee. These hearings are held when a student commits an offense or offenses that may result in expulsion. In-School Alternative

Parent Contact/Conference

A parent contact/conference is a telephone contact or meeting with a parent. Re-Admission Conference A re-admission conference is required following each suspension in a format mutually agreeable to the Head of School and parent.

Referral to Alternative Placement Referral for placement in an alternative program is the referral of a student in a special program until the student has satisfied the requirements to return to the regular program.

Referral to Counseling Counseling is a process which takes place in a one-to-one or a small group relationship between student(s) and a professional who is qualified through training and experience to help others understand and reach solutions to

various types of personal experiences. Referral to agencies is a recommendation that a student seek help from a public or private agency.

Referral to Police Referral to police is the reporting of an alleged illegal act to a law enforcement agency. Referral to the Courts Referral to the courts is the filing of a charge of an alleged illegal action with the court having jurisdiction.

Referral to School Climate Committee Referral to this committee to review the inventions of the teacher and the behaviors of the students. This committee consists of a board member, Dean of Student Services, teacher(s), and other administrators.

Referral to Family Crisis Therapist Referral to the school Family Crisis Therapist

Removal from Class

- A. A teacher may remove a student from class for the remainder of the class period when the student's conduct is seriously disruptive and informal resolution is impracticable. Exclusion may not exceed one class period. The student must be sent to a supervised area designated by the Head of School.
- B. An administrator may temporarily remove a student from class if the student's continued attendance in a particular class causes serious disruption of the educational process or presents immediate danger of physical harm to either the student or others. The student will be assigned to a supervised area. Removal from class by an administrator shall not exceed five (5) days. However, a student may be permanently removed from a particular class after repeated infractions.

Reprimand

A reprimand is a verbal or written warning of unacceptable behavior.

Restitution/Restoration

Restitution/restoration is the payment for and/or restoring of property or articles that have been damaged.

Suspension

Suspension is the temporary removal of student from school and/or activities. The Board or designee may extend a suspension pending a decision on a Head of School's recommendation for Due Process.

Suspension Offenses

There are specific cases in which a parent will be notified that a student will be suspended and not able to attend school. In such cases the parent will need to schedule a reentry meeting for the student. The following are examples of such cases.

Fighting

Assault

APPENDIX 2

DELAWARE TITLE 14, CHAPTER 14, SECTION 4112 (b)

(b) Student Violence: Mandatory Complaints

In any instance where a school employee reports to the Head of School or Dean any assault or offensive touching (as prohibited in Title 11, Dec. C. 601, 611-613) against such employee by a pupil, the Head of School or Dean, after verifying the identity of the pupil involved and probable cause to believe that a criminal charge is appropriate, without unreasonable delay after the incident being reported shall file such appropriate charge against such pupil. The Head of School or Dean shall also file a report of such incident with the State Department of Public Instruction. The obligations of the Head of School as set forth in these subsections are mandatory and not discretionary.

APPENDIX 3

APPLICATION OF CODE FOR SPECIAL EDUCATION STUDENTS

Special Education students shall follow the Kuumba Academy Charter School approved code of conduct except in cases where the Multi-Disciplinary Team alters the Individual Educational Plan (IEP) to reflect a different consequence as a result of a code violation. The MDT must determine if the Code violation is an element of the student's handicapping condition. A decision shall be made following each violation of the Student Code of Conduct that requires out-of-school suspension and should have full MDT/IEP member participation including parent/guardian. This committee meeting shall occur as soon as possible after each suspension unless the suspension exceeds ten cumulative days within one school year which will necessitate a full MDT/IEP meeting prior to any action to suspend or expel the student. All procedures outlined in the School Operational Manual for Exceptional Children shall be followed.

APPENDIX 4

"STEP" PROCEDURES FOR DISCIPLINARY ACTIONS -

The following procedure will be used for level I violations.

Ascending Consequences

Ascending consequences are predetermined disciplinary actions taken by an administrator in dealing with violations of the Code of Conduct. The actions or consequences of violations are ascending in nature of severity.

Descending Consequences

Descending consequences are disciplinary actions whereby a student will move backwards on the ascending "ladder of consequences. For every two-month (2) period of positive behavior the student would be eligible to move back one (1) step on the "ladder of consequences.

APPENDIX 5

GUN FREE SCHOOL ZONE ACT

In compliance with the Federal "Gun Free Schools Act of 1994," the School adopts the following policy: Possession of a firearm or Dangerous Instruments/Lookalikes on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period of not less than 180 school days. The Board of Directors shall modify such expulsion requirement to the extent a modification is required by Federal or State law. The procedures to implement this policy will be the student expulsion procedures outlined in the School's Student Code of Conduct. For purposes of this policy, "firearm" as defined in Section 921 of Title 18, United State Code.

Definition of firearms

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "dangerous Instruments/Lookalikes" means a dangerous instruments or debilitating sprays such as but not limited to slingshots, knives, penknives, razor blades, sharp instruments, mace, pepper gas, or look-alikes, and any weapon which will , is designed to, or may be readily be converted to, expel a projectile by action of air pressure, carbon dioxide pressure, or mechanical means, including but not limited to pellet gas, B-B guns, CO2 guns, and air guns.

The term "destructive device" means-- (A) any explosive, incendiary, or poison gas-- .bomb, .grenade, rocket having a propellant charge of more than four ounces, .missile having an explosive or incendiary charge of more than one-quarter ounce, .mine, .device similar to any of the devices described in the preceding clauses; (8) any type of weapon

(other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designated or intended for use in converting any device into any destructive device described in subparagraph (A) or (8) and from which a destructive device may be readily assembled.

This term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is designed for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

The term "antique firearm" means-- (A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1989; or (8) any replica of any firearm described in subparagraph (A) if such replica-- .is not designed or redesigned for using rimfire or conventional center fire fixed ammunition, or .uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States.

APPENDIX 6

CRIMES COMMITTED OUTSIDE OF SCHOOL

The Kuumba Academy Charter School, as well as the other schools in Delaware, is notified by the Attorney General's Office whenever a School student is arrested for committing a felony, even if it has nothing to do with school or has occurred off school property. When the School receives these reports, they will be reviewed. The School will take disciplinary action as outlined in the Student Code of Conduct if it is felt that the out-of-school conduct indicates the student presents a threat to the health, safety or welfare of other students. Example: If a student is arrested for selling narcotics in the community, he may be expelled from school. Students need to realize that out-of-school behavior can result in expulsion from school or placement in an alternative program.