

SMYRNA SCHOOL DISTRICT
District Policy

Article: 5000 Students
Title: Student Code of Conduct
Policy #: 5100

Smyrna School District

Student Code of Conduct

(Secondary)



The Smyrna School District is committed to a restorative and trauma-informed approach to student behavior. Restorative practices are both a preventative and responsive approach to student behavior focused on building and repairing relationships. Our goal is to build healthy communities, increase social learning, decrease anti-social behavior, repair harm, and restore relationships in an effort to educate the whole child. Restorative practices is not just a response to misbehavior, but an inclusive process that engages all members of a school community. Through use of a Multi-Tiered System of Support (MTSS), we are able to blend social and emotional development with academic growth to ensure we are meeting the needs of each student.

The Smyrna School District subscribes to the philosophy of progressive discipline and recognizes and expects teachers to use effective classroom management skills and strategies to handle classroom behaviors and disruptions. Those skills and strategies include, but are not limited to: seat changes, proximity, reviewing and reteaching classroom and school expectations, conversations with student(s) (both with and without parent/guardian) calming corner access, warnings, and time outs. Therefore, each school administrator has the discretion to determine the necessary punitive action based upon the severity and/or regularity of each offense. Each school administrator will select among the punitive action options outlined for each infraction in the student Code of Conduct. The consequences listed in this Code do not have to be used sequentially. The options listed below can be applied or not applied as discipline at the discretion of the specific Administrator, School Administrative team, and/or District Administrative team.

The following Discipline Code of Conduct is in force:

- On school property prior to, during, and following regular school hours;
- On a school bus for any purpose. Infractions may result in removal from bus;
- At all Smyrna School District sponsored events and other activities at which school administrators or staff have jurisdiction over students;
- Off school property resulting in criminal charges.

The Discipline Code of Conduct shall apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students and staff. Out-of-school conduct rising to this level of severity may result in an expulsion recommendation of up to/including 180 school days and shall include but is not limited to:

- Acts of violence, which are punishable by law.
- Sexual offenses, which are punishable by law.
- The sale, transfer or possession of drugs and drug paraphernalia, which would constitute an offense punishable by law.
- Felony charges.

An IEP team or Section 504 team meeting shall be conducted for students with a disability if disciplinary removal from school for more than ten (10) days, alternative placement, or expulsion is recommended. Ten (10) days can be consecutive or cumulative. The student's disability must be identified, as defined by Federal and State law and regulations.

Procedures for Search and Seizure

Students and their property may be subjected to search with reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, drug paraphernalia, or a weapon. Student lockers are the property of the school and may be subjected to search.

Student motor vehicle use to and in the school environment is a privilege extended by the school district to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, or drug paraphernalia in the school environment, may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

The same procedures listed above for alcohol and drug concerns will be followed with respect to weapons. Additionally, in an effort to maintain a safe school environment any and all Law Enforcement entities in our jurisdiction and Smyrna School District Administration will periodically conduct safety scans inside of Smyrna School District Buildings. These scans will involve the use of trained K9 officers.

School Administration & "in loco parentis" Rights

The term *in loco parentis*, [Latin](#) for "in the place of a parent" refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a [parent](#). Originally derived from British [common law](#). It allows institutions such as colleges and schools to act in the best interests of the [students](#) as they see fit. Allowing what would otherwise be considered violations of the students' [civil liberties](#).

Title 14 – Chapter 7: Lawful Authority of Teachers Over Pupils

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

Student Rights

Students and their parent/guardian, as their representative, are afforded the right to grieve assigned discipline. A student grievance procedure is a mechanism by which a student may seek to remedy the rare situation where they feel they have been treated unfairly or were not afforded due process. A grievance can be filed if a student has not been able to obtain a resolution in a less formal manner.

Grievance Procedure:

1. The grievant should request a conference with the teacher or person(s) who allegedly treated the student unfairly.
2. If the conference fails to resolve the issue, within (5) school days the grievant shall file a written grievance with the principal who shall issue a decision, in writing. The decision shall be completed no later than five (5) school days following receipt of the written grievance.

3. A grievant wishing to appeal the principal’s written decision must file a written appeal with the Superintendent or designee not later than five (5) days from the date of the receipt of the Principal’s written decision.
4. The Superintendent or designee shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall issue a decision, in writing, no later than five (5) school days following the grievance conference.
5. The decision of the Superintendent shall be the final decision of the school system. A copy of the Superintendent’s final decision shall be sent to all involved parties no later than ten (10) school days following receipt of the appeal by the Superintendent.

Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion

Pursuant to 14 Del.C. §122(b) (26), this regulation provides uniform definitions for student conduct which may result in alternative placement or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the alternative placement or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in expulsion or an alternative placement. Legal definitions may be found at the following link: <http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>

A complete listing of all the Department of Education Discipline Codes at pertaining to Education - Title 14 can be viewed at the following link: <https://www.doe.k12.de.us/Page/3371>

S - Codes - Parent/Guardian notification should be enacted at every level for all offenses Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.		
Violation	Definition	
1 st – Select from the following	2 nd – Select from the following	Subsequent – Select from the Following
Abusive Language S0301	Written or spoken language or gestures that are considered offensive, obscene, or vulgar.	
Restorative Practices Intervention 1–3 Days SBIP (Student) 1–3 Days OSS (Staff) Counseling/Wellness Referral	Restorative Practices Intervention 1–3 Days OSS Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention 3-5 Days OSS Parent/guardian conference with school team to discuss intervention plan
Academic Cheating/Plagiarism S0141	The act of intentionally presenting the work and/or knowledge of another as one’s own, copying.	
Restorative Practices Intervention Conference w/teacher	Conference w/teacher Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan	Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Attorney General’s Report S0161 – (Off-Campus Only) S0162 – CDAP	<i>Juvenile Arrest Warrant and Complaint</i> - the Department of Justice’s report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	
Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan		
Breaking and Entering S0272	Unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.	

Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Police Notification Counseling Referral		
Cell Phone Violation S0312	Cell phones must be secured out of sight from the start of class through the end of class unless teacher has given permission otherwise.	
Restorative Practices Intervention 1 Day SBIP	Restorative Practices Intervention Up to 2 Days SBIP	Restorative Practices Intervention Up to 3 Days SBIP
Defiance of School Authority S0081 Insubordination S0082	(1) A verbal or non-verbal refusal to comply immediately with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action. (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel, which causes either a substantial disruption or material interference with school activities.	
Restorative Practices Intervention Up to 2 Days SBIP	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Up to 2 Days OSS Parent/guardian conference with school team to discuss intervention plan
Disruption of the Educational process S0091	Behavior that causes disruption to the normal operation of the school.	
Restorative Practices Intervention Up to 10 Days OSS Counseling Referral Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process
Unsafe Driving S0121	Operating a motor vehicle in a careless or imprudent manner or without due regard for weather and traffic conditions.	
Unsafe Driving/Parking Violation S0122	When a student has knowingly parked in a non-designated area or does not display their school issued Student Parking Pass.	
Restorative Practices Intervention Up to 30 days loss of driving privileges on campus No refund on parking permit Up to 3 Days OSS Police Notification	Restorative Practices Intervention Up to 60 days loss of driving privileges on campus No refund on parking permit Up to 3 Days OSS Police Notification	Restorative Practices Intervention No refund on parking permit Up to 1-year loss of driving privileges on campus Up to 3 Days OSS Police Notification
Failure to Perform Properly in School Based Intervention Program (SBIP) S0201	Failure to follow SBIP rules or expectations.	
Restorative Practices Intervention OSS for Remainder of the day Student to make-up SBIP time upon return	Restorative Practices Intervention OSS for Remainder of the day Student to make-up SBIP time upon return	Restorative Practices Intervention OSS for Remainder of the day Student to make-up SBIP time upon return
Failure to Report to Detention/Failure to Report for Disciplinary Action S0221	When assigned a consequence by a staff member and the student did not report as requested.	
Restorative Practices Intervention 1 Day SBIP	Restorative Practices Intervention Up to 3 Days SBIP	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Forgery/Falsification Verbal/Written/Failure to Provide Identity When Requested S0321/S0322	The act of intentionally providing false information, written or unwritten as authentic. Failure to provide the proper given name to a staff member upon request.	

Restorative Practices Intervention 1 Day SBIP	Restorative Practices Intervention Up to 2 Days SBIP Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Gambling S0241	Participation in games of chance for money or other things of value.	
Restorative Practices Intervention Up to 2 Days SBIP	Restorative Practices Intervention Up to 2 Days OSS	Restorative Practices Intervention Up to 2 Days OSS Parent/guardian conference with school team to discuss intervention plan
Improper use of Food Account S0251	The act of intentionally using information that belongs to another (i.e. free and/or reduced lunch information).	
Restorative Practices Intervention Restitution	Restorative Practices Intervention Up to 1 Day SBIP Restitution	Restorative Practices Intervention Up to 2 Days SBIP Restitution
Inappropriate Behavior S0101	Classroom behavior, which produces distractions and/or disturbances, which seriously or repeatedly interfere with the effective functioning of a teacher, the student or the class.	
Restorative Practices Intervention 1 Day SBIP Removal from Class Time out	Restorative Practices Intervention Up to 2 Days SBIP Removal from Class Time out	Restorative Practices Intervention Up to 3 Days SBIP Removal from Class Time out
Inappropriate Behavior: Careless & Reckless Behavior S0107	Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.	
Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Counseling Referral Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Counseling Referral Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Counseling Referral Alternative Placement Process
Inappropriate Behavior: Consensual Sexual Misconduct S0108	Consensual sexual act(s) between two individuals within the School Environment.	
Restorative Practices Intervention 1-3 Days OSS Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling	Restorative Practices Intervention Up to 5 Days OSS Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Alternative Placement Process
Inappropriate Behavior: Safety Violation S0102	Any action that could endanger the safety and welfare of students.	
Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Up to 10 Days OSS Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan
Instigation S0302	The act of causing a disruption and/or fight by relaying information between parties.	
Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan Counseling Referral	Restorative Practices Intervention Up to 5 Days OSS Parent/guardian conference with school team to discuss intervention plan Counseling Referral	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Counseling Referral
Intimidation /Inappropriate Behavior, Disrespect towards a student S0105	Any attempt or threat to do bodily harm to another individual and/or property.	

Restorative Practices Intervention Up to 2 Days OSS Avoidance Contract	Restorative Practices Intervention Up to 3 Days OSS Parent/guardian conference with school team to discuss intervention plan Avoidance Contract	Up to 10 Days OSS Alternative Placement Process Avoidance Contract
Intimidation /Inappropriate Behavior, Disrespect towards a staff member S0104	Any attempt or threat to do bodily harm to another individual and/or property.	
Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process	Up to 10 Days OSS Alternative Placement Process	Up to 10 Days OSS Alternative Placement Process
Leaving Class S0052	Leaving class without permission from the teacher.	
Restorative Practices Intervention Up to 1 Day SBIP	Restorative Practices Intervention 1 Day SBIP	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Leaving School Grounds S0051	Leaving school grounds without the proper authority to do so.	
Restorative Practices Intervention 1 Day SBIP Police Notification	Restorative Practices Intervention Up to 2 Days SBIP Police Notification	Restorative Practices Intervention Up to 5 Days SBIP Police Notification Parent/guardian conference with school team to discuss intervention plan
Loitering/Out of Area/ Misuse of Pass S0071	Student is out of his or her assigned area during the school day, uses a hall pass in a way not intended by the user, or caught in a hall sweep of student tardy to class.	
Restorative Practices Intervention Up to 1 Day SBIP	Restorative Practices Intervention Up to 3 Days SBIP	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Misuse of Technology/ Acceptable use Policy Violation S0181 Smyrna School District Board Policy 6150 – Computing and Internet Board Policy Parent Student Chromebook User Agreement Parent Student Chromebook User Agreement Spanish	The use of school technology equipment in: Soliciting, using, receiving or sending pornographic or obscene material; or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment; or A situation in which a student deliberately: Tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.	
Restorative Practices Intervention Up to 3 Days SBIP	Restorative Practices Intervention Up to 3 Days OSS Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Up to 5 Days OSS Parent/guardian conference with school team to discuss intervention plan
Possession of Non-school unsafe items/Laser Pointer/Taser/Mace S0131/S0314	The possession of any unsafe item not normally found in a school setting.	
Restorative Practices Intervention Warning/Confiscated Up to 3 Days SBIP Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Warning/Confiscated Up to 3 Days SBIP Up to 10 Days OSS Counseling Referral Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Warning/Confiscated Up to 3 Days SBIP Up to 10 Days OSS Counseling Referral Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process

Use of Profanity/Not staff directed S0011	Use of Profanity/curse words.	
Restorative Practices Intervention Up to 3 Days SBIP	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Reckless Burning S0152	When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.	
Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Police/Fire Marshall notification Restitution Recommendation for Counseling		
Repeated Violations of the Student Code of Conduct S0333	Five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.	
Restorative Practices Intervention Up to 10 Days OSS Counseling Referral Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Counseling Referral Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process
Skipping/Cutting Class S0041	Intentionally cutting or skipping class.	
Restorative Practices Intervention Up to 1 Day SBIP Counseling Referral	Restorative Practices Intervention Up to 3 Days SBIP	Restorative Practices Intervention Up to 3 Days SBIP Parent/guardian conference with school team to discuss intervention plan
Stealing S0111 <\$1500	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	
Restorative Practices Intervention Up to 10 Days OSS Restitution Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Police Notification Restitution Counseling Referral Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan	
Tardy to School/ or Class S0031/S0032	The act of being late to school or class without a valid excuse.	
1 st consequence = cumulative 6 lates to include all classes Restorative Practices Intervention 1 Day SBIP	2 nd consequence = cumulative 12 lates to include all classes 1 Day SBIP Parent/guardian conference with school team to discuss intervention plan	3 rd consequence = cumulative 16 lates to include all classes (subsequent consequence upon every 4 th late) 1-day SBIP Parent/guardian conference with school team to discuss intervention plan
Trespassing/remains unlawfully on school property S0271	Trespassing is when a student knowingly or unknowingly is in a Smyrna School District area without a legitimate purpose/permission.	
Restorative Practices Intervention Up to 2 Days OSS Police notification	Up to 3 Days OSS Parent/guardian conference with school team to discuss intervention plan Police notification	Up to 5 Days OSS Police notification Parent/guardian conference with school team to discuss intervention plan

Violation of Electronics, Communication and Equipment Policy S0311	The unauthorized use of personal electronic devices.	
Restorative Practices Intervention Up to 1 Day SBIP Parent/Guardian Pick Up	Restorative Practices Intervention Up to 2 Days SBIP Parent/Guardian Pick Up	Restorative Practices Intervention Up to 3 Days SBIP Parent/Guardian Pick Up

**D - Codes - Parent/Guardian notification should be enacted at every level for all offenses
Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.**

Violation	Definition	
1st – Select from the Following	2nd - Select From the Following	Subsequent – Select From the Following
Bullying/Cyberbullying D0701 Smyrna School District Board Policy 5103 – Bullying	Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.	
Up to 2 Days OSS Police Notification Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Counseling Referral	Up to 10 days OSS Police Notification Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Counseling Referral Alternative Placement Process	Up to 10 Days OSS Alternative Placement Process Police Notification
Criminal Mischief (Vandalism) D0301	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person to endanger person or property.	
Restorative Practices Intervention Up to 10 Days OSS Counseling Referral Restitution Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Social Probation at a minimum for time of OSS	Restorative Practices Intervention Up to 10 Days OSS Restitution Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Social Probation at a minimum for time of OSS	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process Restitution Social Probation at a minimum for time of OSS
Drug Use/Influence D0502	In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.	
Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS
Felony Theft D0601 >\$1500	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's	

	own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.	
Up to 10 Days OSS Restitution Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Police Notification	Up to 10 Days OSS Alternative Placement Process Police Notification Restitution Parent/guardian conference with school team to discuss intervention plan	Up to 10 Days OSS Alternative Placement Process Police Notification Restitution Parent/guardian conference with school team to discuss intervention plan
Fighting D1101	Any aggressive physical altercation between two or more individuals.	
Up to 10 Days OSS Social Probation at a minimum for time of OSS Police Notification Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Social Probation for remainder of school year	Up to 10 Days OSS Alternative Placement Process Police Notification
Inhalant Abuse D1201	Chemical vapors inhaled for their mind-altering effects.	
Restorative Practices Intervention 1 Day OSS	Restorative Practices Intervention Up to 3 Days OSS Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan
Medications: Inappropriate Possession and/or Use D1601	Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.	
Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS
Offensive Touching Employee Victim D0802	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	
OSS Pending Alternative Placement Process Police Notification		
Offensive Touching Student Victim D0801	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	
Up to 10 Days OSS Social Probation at a minimum for time of OSS Police Notification Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Social Probation for remainder of school year	OSS Pending Alternative Placement Process Police Notification
Pornography D0101	The possession, sharing, or production of any known obscene material in the School Environment.	

Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Counseling Referral Police Notification Alternative Placement Process	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling	
Sexual Harassment/Staff D1001	When the person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, request, commands, importunes, or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense, or alarm to that person.	
Up to 10 Days OSS Alternative Placement Process Police Notification Counseling Referral Parent/guardian conference with school team to discuss intervention plan		
Sexual Harassment/Student D1001	When the person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, request, commands, importunes, or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense, or alarm to that person.	
Up to 10 Days OSS Police Notification Counseling Referral Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	OSS Pending Alternative Placement Process Police Notification	
Tampering with Public Records D0401	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	
Up to 10 Days OSS Alternative Placement Process		
Teen Dating Violence D2011	Assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. § 1312 that one-person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.	
Up to 10 Days OSS Alternative Placement Process Police Notification Alternative Placement Process Mandatory Counseling	OSS Pending Alternative Placement Process Police notification	
Threat Terroristic Threatening Student Victim/Employee Victim D0901	(1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.	
Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Police Notification Mandatory Counseling	Alternative Placement Process Police notification	
Threat Terroristic Threatening – Bomb Threat D0902	Security Threat - when a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.	

OSS Pending Alternative Placement Process Police Notification		
Tobacco Possession and/or Use D1401	The use and/or possession of tobacco products on school property. <i>(This includes e-cigarettes/vapor pens)</i>	
Restorative Practices Intervention 1 Day OSS Confiscation	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Up to 3 Days OSS Confiscation	Restorative Practices Intervention Up to 10 Days OSS Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Confiscation
C – Codes — Parent/Guardian notification should be enacted at every level for all offenses Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.		
Violation	Definition	
1st –Select from the Following	2nd –Select from the Following	Subsequent –Select from the Following
Aggravated Act of Intimidation /Staff C0156	Disorderly conduct causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
OSS Pending Alternative Placement Process Police Notification		
Aggravated Act of Intimidation/Student C0156	Disorderly conduct causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan	OSS Pending Alternative Placement Process Police Notification	
Arson C0134 – 1st C0133 – 2nd	A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.	
OSS Pending Alternative Placement Process Police/Fire Marshall notification Restitution Recommendation/Referral for Counseling		
Assault Staff or Student C0107 – Assault 1st C0106 – Assault 2nd C0201 – Assault 3rd	A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	
OSS Pending Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan		
Criminal Deadly Weapon C0601 C0602 C0603 C0604 C0605 C0606 C0607 C0608 C0609 C00610 C0611 C0612 C0613 C0614 C06015 C0616 C0617 C0618 C0619 C0620 C0624 C0625 C0626	The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive.	

OSS Pending Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Police Notification		
Criminal Drug Offense C0701 – C0704 C0701 – Prescription Drug C0702 – Cocaine/Powder Substance C0703 – Marijuana C0704 – Look-Alike Drugs	The Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug-Like Substance, and/or Drug Paraphernalia.	
OSS Pending Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Drug/Alcohol Counseling Referral to Licensed Agency		
Dangerous Instrument C0621	The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive. (BB-guns are not considered a dangerous instrument)	
OSS Pending Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Police Notification		
Extortion C0141	To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.	
OSS Pending Alternative Placement Process Restitution Police Notification Parent/guardian conference with school team to discuss intervention plan		
Hate Crimes C0151	Victimizing a person with a crime(s) when motivated by hostility to the victim as a member of a group (as one based on color, creed, gender, or sexual orientation).	
Up to 10 Days OSS Police Notification Counseling Referral Parent/guardian conference with school team to discuss intervention plan Restitution, Restoration Alternative Placement Process	OSS Pending Alternative Placement Process Police Notification	
Rape or Attempted Rape C0122-C0125	Sexual intercourse and attempted sexual intercourse without consent of the victim in both cases.	
OSS Pending Alternative Placement Process Police Notification		
Unlawful Sexual Contact II C0301	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.	
OSS Pending Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan Counseling Referral		

Code of Conduct Glossary of Terms:

Administrator Intervention Plan: A collaborative plan between a student, their parent/ guardian and the school team (administrator, teacher, counselor, other staff if needed) that identifies areas of growth and resources for the student to be successful in school.

Alternative Placement Process: A process that begins at the conclusion of an administrative investigation, as a result of a severe or repetitive code of conduct violation(s) listed above in which a Principal is requesting a referral for Alternative Placement for the student after the administrative investigation is complete. An Alternative Placement Team Meeting will take place to determine if an alternative setting is appropriate for the referred student. The Alternative Placement Team will make a decision on whether to assign a student to an Alternative Placement Program.

If a Parent/Guardian chooses to appeal the Alternative Placement Team Decision the appeal must be in writing to the Superintendent's office no later than 5 business days following the Alternative Placement Team Meeting. A discipline hearing will take place once the appeal is received with an outside Hearing Officer, who will determine the Finding of Facts and give a recommendation to the Smyrna School District Board of Education. The Smyrna School District Board of Education will issue a decision on expulsion of the student for a period up to 180 school days from the date of the incident. If a student and their family choose to waive their right to a Discipline Hearing, the student would be admitting guilt of the code of conduct violation and would be placed in an Alternative Placement Program for an agreed upon period of days not to exceed 180 days from the date of the incident.

(This process must adhere to Delaware Regulations Administrative Code: Title 14 Education: Section 600 School Climate and Discipline, Section 611 Consortium Discipline Alternative Programs for Treatment of Severe Discipline Problems, Section 613 uniform Procedures for Processing Attorney General's Reports, Section 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion, and Section 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings.)

Alternative Program: A school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

Counseling Referral: A referral to the School Counselor, Wellness Center, or Outside Counseling Agency.

Discipline Referral: Formal documentation completed by the staff and returned to Administration with information about an incident or student behavior that occurred.

Expulsion: A disciplinary action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Whether the expulsion is with or without educational services (including Alternative Placement), the expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

In-School Suspension (ISS): The temporary removal of a student from the area indicated by the regularly assigned schedule.

Multi-Tiered System of Support (MTSS): Delaware Regulations Administrative Code: Title 14: Section 500 curriculum and Instruction, Subsection 508 defines MTSS as a framework that is designed to meet the needs of the whole child through an integrated multi-level prevention system that optimizes team-based leadership and data-driven decision making to meet the academic and non-academic needs of all students.

High quality core academic instruction and non-academic practices are provided as universal supports to all children. Evidence-based intervention and supports are matched to student needs and informed by ongoing progress monitoring and additional formative assessments.

Out of School Suspension (OSS): A form of short-term suspension that can be applied as a consequence for violating the Code of Conduct. The duration shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident. Student will still be responsible for class work and assignments during out of school suspension.

The Superintendent shall have the right to temporarily extend a student's suspension beyond ten (10) school day limit pending an Alternative Placement Process decision or Board of Education decision regarding a Discipline hearing or other formalized disciplinary action hearing for the student. A student whose suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day of the extension. Educational services shall continue until the student's Alternative Placement Process decision has been rendered or the Board of education decision regarding the student's Expulsion hearing or other formalized Disciplinary Action hearing has concluded.

Outside Agency Referral: A referral to an outside agency for support and/or reporting requirements.

Parent/Guardian Conference: A conference that can occur via telephone, virtually, or in person with the parent/guardian, student, and school team. The purpose of the conference is to collaborate and create a detailed action or intervention plan outlining interventions, options, and/or steps for the student to be successful and avoid the accumulation of additional/repeat code of conduct violations. Interventions can include, but are not limited to: change of class, time-outs, check-ins, identification of trusted adult(s) [for the student to talk with in and out of school who can be reached if necessary], breaks, counseling plan, wellness plan, and identified goals.

Parent/Guardian Pick Up: A parent must come to school to pick up student property that has been safely stored in a secure location by Administration after **Violation of Electronics, Communication and Equipment Policy S0311**.

Police Notification: The notification to local law enforcement of an incident that occurred on school property during or after school hours that must be reported per Delaware law or Smyrna School District policy.

Restitution: Reimbursement for an object that was taken or damaged from them that has monetary value. This should be a collaborative consequence with the parents involved.

Restorative Practices: The deliberate and intentional use of tools and strategies that facilitate the growth of healthy relationships and communities. The purpose of restorative practices is to strengthen relationships between individuals and increase community connections. Restorative practices are primarily proactive, but can be used as a way to restore harm following an incident/code of conduct violation. See below for intervention technique examples:

Intervention Technique	Examples
Self-reflection	Worksheet with questions to work through, interviews
Apology or appreciation letters	Given to those involved in the incident
Restorative contract	Formal agreements generated that have specific timelines and check-ins on progress
Restitution agreements	Agreements to dedicate time to restore damage to property
Project-based assignment	Creating PSA videos, a paper, community-based projects
Assisting others	Assisting custodial staff, teachers, administrative assistance, or community members
Regular check-ins	Designated person to connect with student on progress and reflect
Research projects	Researching negative outcomes of behaviors or potential alternative solutions for the future, can be presented to others
Volunteer opportunities	Connections to community members or school-based initiatives to give-back

Social Probation: A period of time in which a student is not allowed to participate/attend any non-academic school-based functions.

School-Based Intervention Program (SBIP): As explained in Delaware Regulation: Administration Code: Title 14: Section 600, Subsection 609 District and School-Based Intervention Services should include both short-term and long-term intervention strategies that include character education, short-term or long-term counseling to improve behavior which impacts educational performance, and methods to identify the need to refer student for additional services within the district or to other agencies. Interventions include, but are not limited to: In School Suspension, lunch detention, time outs, and reflection time.

Time Out: A temporary, supervised behavior management technique, which provides opportunities to regain emotional regulation.

Smyrna School District

Code of Conduct

(Intermediate)



The Smyrna School District is committed to a restorative and trauma-informed approach to student behavior. Restorative practices are both a preventative and responsive approach to student behavior focused on building and repairing relationships. Our goal is to build healthy communities, increase social learning, decrease anti-social behavior, repair harm, and restore relationships in an effort to educate the whole child. Restorative practices are not just a response to misbehavior, but an inclusive process that engages all members of a school community. Through use of a Multi-Tiered System of Support (MTSS), we are able to blend social and emotional development with academic growth to ensure we are meeting the needs of each student.

The Smyrna School District subscribes to the philosophy of progressive discipline and recognizes and expects teachers to use effective classroom management skills and strategies to handle classroom behaviors and disruptions. Those skills and strategies include, but are not limited to: seat changes, proximity, reviewing and reteaching classroom and school expectations, conversations with student(s) (both with and without parent/guardian) calming corner access, warnings, and time outs. Therefore, each school administrator has the discretion to determine the necessary punitive action based upon the severity and/or regularity of each offense. Each school administrator will select among the punitive action options outlined for each infraction in the student Code of Conduct. The consequences listed in this Code do not have to be used sequentially. The options listed below can be applied or not applied as discipline at the discretion of the specific Administrator, School Administrative team, and/or District Administrative team.

The following Discipline Code of Conduct is in force:

- On school property prior to, during, and following regular school hours;
- On a school bus for any purpose. Infractions may result in removal from bus;
- At all Smyrna School District sponsored events and other activities at which school administrators or staff have jurisdiction over students;
- Off school property resulting in criminal charges.

The Discipline Code of Conduct shall apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students and staff. Out-of-school conduct rising to this level of severity may result in an expulsion recommendation of up to/including 180 school days and shall include but is not limited to:

- Acts of violence, which are punishable by law.
- Sexual offenses, which are punishable by law.
- The sale, transfer or possession of drugs and drug paraphernalia, which would constitute an offense punishable by law.
- Felony charges.

An IEP team or Section 504 team meeting shall be conducted for students with a disability if disciplinary removal from school for more than ten (10) days, alternative placement, or expulsion is recommended. Ten (10) days can be consecutive or cumulative. The student's disability must be identified, as defined by Federal and State law and regulations.

Procedures for Search and Seizure

Students and their property may be subjected to search with reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, drug paraphernalia, or a weapon. Student lockers are the property of the school and may be subjected to search.

Student motor vehicle use to and in the school environment is a privilege extended by the school district to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, or drug paraphernalia in the school environment, may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

The same procedures listed above for alcohol and drug concerns will be followed with respect to weapons. Additionally, in an effort to maintain a safe school environment any and all Law Enforcement entities in our jurisdiction and Smyrna School District Administration will periodically conduct safety scans inside of Smyrna School District Buildings. These scans will involve the use of trained K9 officers.

School Administration & "in loco parentis" Rights

The term *in loco parentis*, [Latin](#) for "in the place of a parent" refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a [parent](#). Originally derived from British [common law](#). It allows institutions such as colleges and schools to act in the best interests of the [students](#) as they see fit. Allowing what would otherwise be considered violations of the students' [civil liberties](#).

Title 14 – Chapter 7: Lawful Authority of Teachers Over Pupils

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

Student Rights

Students and their parent/guardian, as their representative, are afforded the right to grieve assigned discipline. A student grievance procedure is a mechanism by which a student may seek to remedy the rare situation where they feel they have been treated unfairly or were not afforded due process. A grievance can be filed if a student has not been able to obtain a resolution in a less formal manner.

Grievance Procedure:

1. The grievant should request a conference with the teacher or person(s) who allegedly treated the student unfairly.
2. If the conference fails to resolve the issue, within (5) school days the grievant shall file a written grievance with the principal who shall issue a decision, in writing. The decision

shall be completed no later than five (5) school days following receipt of the written grievance.

3. A grievant wishing to appeal the principal’s written decision must file a written appeal with the Superintendent or designee not later than five (5) days from the date of the receipt of the Principal’s written decision.
4. The Superintendent or designee shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall issue a decision, in writing, no later than five (5) school days following the grievance conference.
5. The decision of the Superintendent shall be the final decision of the school system. A copy of the Superintendent’s final decision shall be sent to all involved parties no later than ten (10) school days following receipt of the appeal by the Superintendent.

Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion

Pursuant to 14 Del.C. §122(b) (26), this regulation provides uniform definitions for student conduct which may result in alternative placement or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the alternative placement or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in expulsion or an alternative placement. Legal definitions may be found at the following link: <http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>

A complete listing of all the Department of Education Discipline Codes at pertaining to Education - Title 14 can be viewed at the following link: <https://www.doe.k12.de.us/Page/3371>

Level 1 – Classroom Teacher Intervention. Parent/Guardian notification should be enacted by the teacher, at the appropriate level for all offenses. Teacher should note all Restorative Measures taken. Teacher should be following the Individual Educational Plan (IEP) for behavior goals.		
Violation	Definition	
1st – Select from the Following	2nd – Select from the Following	Subsequent – Select from the Following
Academic Cheating/Plagiarism S0141	The act of intentionally presenting the work and/or knowledge of another as one’s own, copying.	
Conference w/teacher Re-do assignment	Conference w/teacher Parent/Guardian conference with school team to discuss intervention plan Re-do assignment	Parent/Guardian conference with school team to discuss intervention plan Interventions by school counselor Re-do assignment
Loitering/Out of Area/ Misuse of Pass S0071	Student is out of his or her assigned area during the school day, uses a hall pass in a way not intended by the user, or is caught in a hall sweep of student tardy to class.	
Warning from teacher Teacher conversation with student Restorative Practices Intervention	Restorative Practices intervention Teacher conversation with student Parent/Guardian conference with school team to discuss intervention plan	Restorative practices intervention Parent/Guardian conference with school team to discuss intervention plan Restorative contract
Possession of Non-school unsafe items/Laser Pointer S0131/S0314	The possession of any item not normally found in a school setting, excluding a dangerous item.	
Warning/Confiscated	Check-in Confiscate item(s) Conference with student	Restorative contract Parent/Guardian conference with school team to discuss intervention plan
Use of Profanity/Not staff directed S0011	Use of Profanity/course words.	

Restorative Practices Intervention Notify Parent/Guardian	Restorative Practices intervention Notify Parent/Guardian Increased interventions (reminders, setting the expectations)	Restorative Practices intervention Parent/Guardian conference with school team to discuss intervention plan
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Minor Classroom Disruptions	Refusing to do classwork, other minor lack of participation behaviors. (check-in to confirm root cause)	
Check-in to confirm root cause – address need Restorative Practices intervention Teacher conference (reteach, remind of consequences)	Check-in to confirm root cause – address need Restorative Practices intervention Student Conference with support staff (behavior interventionist)	Parent/Guardian conference with school team to discuss intervention plan Counseling Referral
Use of Cell Phone S0312	Cell phones, Smart watch, Air Pods must be secured out of sight from the start of class through the end of class, unless the classroom teacher has given permission.	
Restorative Practices intervention with Teacher Device turned off/placed in book bag	Restorative Practices intervention with teacher and administrator Device turned off/placed in book bag	Parent/Guardian conference with school team to discuss intervention plan/restorative contract Device turned off/placed in book bag
Inappropriate Behavior S0101	Classroom behavior, which produces distractions and/or disturbances, which repeatedly interfere with the effective functioning of a teacher, the student or the class.	
Restorative Practices Intervention Counseling Referral	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Time Out Counseling Referral	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 3 Days SBIP

Level 2 – Guidance/Administration Intervention. Parent/Guardian notification should be enacted at every level for all offenses. Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.

Violation	Definition	
1 st	2 nd	Subsequent
Abusive Language S0301	Written or spoken language or gestures that are considered offensive, obscene, or vulgar.	
Restorative Practices Intervention Counseling Referral Up to 1 Day SBIP Teacher/student Conference	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 3 Days SBIP	Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP
Defiance of School Authority S0081 Insubordination S0082	(1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	
Restorative Practices Intervention Up to 1 Day SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP	Restorative Practices Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP
Criminal Mischief (Vandalism) D0301	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property	
Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Restitution Up to 1 Day SBIP	Restorative Practices Intervention Restitution Parent/Guardian conference with school team to discuss intervention plan Outside Agency Referral Up to 3 Days SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Restitution District Office Notification Up to 5 Days SBIP Up to 10 Days OSS

Disruption of the educational process S0091	Behavior that causes disruption to the normal operation of the school.	
Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Outside Agency Referral	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan District Office Notification
Failure to Perform Properly in SBIP S0201	Behavior which produces distractions and/or disturbances, which repeatedly interfere with the classroom atmosphere, failure to follow ISS rules or expectations.	
Restorative Practices Intervention OSS for Remainder of the day Student to make-up SBIP time upon return	Restorative Practices Intervention OSS for Remainder of the day Student to make-up SBIP time upon return	Restorative Practices Intervention OSS for Remainder of the day Student to make-up SBIP time upon return
Felony Theft D0601 >\$1500	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.	
Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP Up to 1 Day OSS Police Notification Restitution	Police Notification Restitution Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Up to 10 Days OSS Up to 5 Days SBIP Outside Agency Referral	Police Notification District Office Notification Up to 10 Day OSS Restitution Up to 5 Days SBIP Parent/Guardian conference with school team to discuss intervention plan Alternative Placement Process
Forgery/Falsification Verbal/Written/Failure to Provide Identity When Requested S0321/S0322	The act of intentionally providing false information, written or unwritten as authentic. Failure to provide the proper given name to a staff member upon request.	
Restorative Practices Intervention	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan
Gambling S0241	Participation in games of chance for money or other things of value.	
Restorative Practices Intervention	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan
Improper use of Food Account S0251	The act of intentionally using information that belongs to another (i.e. free and/or reduced lunch information).	
Warning Restitution	Restorative Practices Intervention Restitution Counseling Referral	Restorative Practices Intervention Restitution Parent/Guardian conference with school team to discuss intervention plan
Inappropriate Behavior: Careless & Reckless Behavior S0107	Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.	
Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP Up to 3 Days OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP Up to 5 Days OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 10 Days SBIP Up to 10 Days OSS
Inappropriate Behavior: Consensual Sexual Misconduct S0108	Consensual sexual act(s) between two individuals within the School Environment.	

Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 1 Day SBIP Up to 1 Day OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Outside Agency Contact Up to 3 Days OSS	Restorative Practices Intervention Up to 10 Days OSS Parent/Guardian conference with school team to discuss intervention plan Possible Alternative Placement Process
Inappropriate Behavior: Safety Violation S0102	Any action that could endanger the safety and welfare of students.	
Restorative Practices Intervention Up to 1 Day SBIP Up to 1 Day OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP Up to 5 Days OSS	Parent/Guardian conference with school team to discuss intervention plan Up to 10 Days OSS
Inhalant Abuse D1201	Chemical vapors that are inhaled for their mind-altering effects.	
Restorative Practices Intervention Counseling Referral Up to 1 Day SBIP Up to 1 Day OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Outside Agency Referral Up to 3 Days SBIP Up to 5 Days OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Outside Agency Referral Up to 10 Days OSS
Instigation S0302	The act of causing a disruption and/or fight by relaying information between parties.	
Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 1 Day SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 3 Days SBIP Up to 3 Days OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 10 Days OSS
Intimidation /Inappropriate Behavior, Disrespect towards a student S0105	Any attempt or threat to do bodily harm to another individual and/or property.	
Restorative Practices Intervention Counseling Referral Up to 1 Day SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 3 Days SBIP Up to 3 Days OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 10 Days OSS
Intimidation /Inappropriate Behavior, Disrespect towards a staff member S0104	Any attempt or threat to do bodily harm to another individual and/or property.	
Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 1 Day SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP Up to 3 Days OSS	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 10 Days OSS
Leaving Class S0052	Leaving class without permission from the teacher.	
Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 1 Day SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP
Leaving School Grounds S0051	Leaving school grounds without the proper authority to do so.	
Restorative Practices Intervention Police Notification Counselor Referral Up to 1 Day SBIP	Restorative Practices Intervention Police Notification Up to 3 Days SBIP	Restorative Practices Intervention Police Notification Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP

<p>Misuse of Technology/ Acceptable use Policy Violation S0181 SSD Computer and Internet Board Policy click here SSD Parent Student Chromebook User Agreement click here SSD Parent Student Chromebook User Agreement Spanish click here</p>	<p>The use of school technology equipment in: Soliciting, using, receiving or sending pornographic or obscene material; or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment; or A situation in which a student deliberately: Tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.</p>	
<p>Restorative Practices Intervention Parent/Guardian Notification Up to 1 Day SBIP</p>	<p>Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP</p>	<p>Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP</p>
<p>Repeated Violations of the Student Code of Conduct S0333</p>	<p>Five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.</p>	
<p>Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Up to 1 Day SBIP</p>	<p>Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP Up to 3 Days OSS</p>	<p>Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Referral to Outside Agency Up to 5 Days SBIP UP to 5 Days OSS</p>
<p>Medications: Inappropriate Possession and/or Use D1601</p>	<p>Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.</p>	
<p>Counseling Referral Send to the Nurse Up to 1 Day SBIP</p>	<p>Parent/Guardian conference with school team to discuss intervention plan Referral to Outside Agency Send to the Nurse Up to 3 Days SBIP Up to 5 Days OSS</p>	<p>Parent/Guardian conference with school team to discuss intervention plan Referral to Outside Agency Send to the Nurse UP to 5 Days SBIP Up to 10 Days OSS</p>
<p>Stealing S0111 <\$1500</p>	<p>Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.</p>	
<p>Restorative Practices Intervention Restitution Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP</p>	<p>Restorative Practices Intervention Counseling Referral Restitution Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP Up to 3 Days OSS</p>	<p>Restorative Practices Intervention Counseling Referral Restitution Parent/Guardian conference with school team to discuss intervention plan District Office Notification Up to 5 Days SBIP Up to 10 Days OSS Alternative Placement Process</p>
<p>Tobacco Possession and/or Use D1401</p>	<p>The use and/or possession of tobacco products on school property. <i>(This includes e- cigarettes/vapor pens)</i></p>	
<p>Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Counseling Referral Up to 1 Day SBIP</p>	<p>Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Referral to Outside Agency Up to 5 Days SBIP</p>	<p>Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Referral to Outside Agency Up to 5 Days OSS</p>
<p>Trespassing/remains unlawfully on school property S0271</p>	<p>Trespassing is when a student knowingly or unknowingly is in a Smyrna School District area without a legitimate purpose/permission.</p>	
<p>Parent/Guardian conference with school team to discuss intervention plan Restorative Practices Intervention Police Notification Up to 3 Days SBIP Up to 1 Day OSS</p>	<p>Parent/Guardian conference with school team to discuss intervention plan Restorative Practices Intervention Police Notification Up to 5 Days SBIP Up to 5 Days OSS</p>	<p>Parent/Guardian conference with school team to discuss intervention plan Restorative Practices Intervention Police Notification District Office Notification Up to 5 Days SBIP Up to 10 Days OSS Alternative Placement Process</p>

Violation of Electronics, Communication and Equipment Policy S0311	The unauthorized use of personal electronic communications equipment.	
Restorative Practices Intervention Up to 1 Day SBIP Parent/Guardian Pick Up	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 3 Days SBIP Parent/Guardian Pick Up	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP Parent/Guardian Pick Up

Level 3— Administration/District Intervention. Parent/Guardian notification should be enacted at every level for all offenses. Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.

Violation	Definition	
1st	2nd	Subsequent
Aggravated Act of Intimidation /Staff C0156	Disorderly conduct causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Police Notification		
Aggravated Act of Intimidation/Student C0156	Disorderly conduct causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
Up to 10 Days OSS Police Notification Parent/Guardian conference with school team to discuss intervention plan Alternative Placement Process	Up to 10 Days OSS OSS Pending Alternative Placement Process Police Notification	
Arson C0134 – 1st C0133 – 2nd	A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.	
Up to 10 Days OSS OSS Pending Alternative Placement Process Police/Fire Marshall notification Restitution Recommendation for Counseling Report filed with Fire Marshal’s Office		
Assault Staff C0107 – Assault 1st C0106 – Assault 2nd C0201 – Assault 3rd	A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	
Up to 10 Days OSS OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan		
Assault Student C0107 – Assault 1st C0106 – Assault 2nd C0201 – Assault 3rd	A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	
Up to 10 Days OSS OSS Pending Alternative Placement Process Police notification Parent/Guardian Conference with school team to discuss intervention plan		

Attorney General's Report S0161 – (Off-Campus Only) S0162 – CDAP	<i>Juvenile Arrest Warrant and Complaint</i> - the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	
Parent/Guardian Conference with school team to discuss Intervention Plan Up to 10 Days OSS OSS Pending Alternative Placement Process		
Breaking and Entering S0272	Unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.	
Up to 10 Days OSS OSS Pending Alternative Placement Process Parent/Guardian Conference with school team to discuss intervention plan Police Notification Counseling Referral		
Bullying/Cyberbullying D0701 Smyrna School District Board Policy 5103 – Bullying	Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.	
Restorative Practices Intervention 1-2 Days OSS Police Notification Restitution Restorative Practices Intervention Counseling Referral	Up to 3 – 5 days OSS Police Notification Restitution Restorative Practices Intervention Parent/Guardian Conference with school team to discuss intervention plan Counseling Referral	Up to 10 Days OSS OSS Pending Alternative Placement Process Mediation with Parent/Guardian Police Notification Restitution Parent/Guardian Conference with school team to discuss intervention plan Counseling Referral
Criminal Deadly Weapon C0601 C0602 C0603 C0604 C0605 C0606 C0607 C0608 C0609 C0610 C0611 C0612 C0613 C0614 C06015 C0616 C0617 C0618 C0619 C0620 C0624 C0625 C0626	The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive.	
Up to 10 Days OSS OSS Pending Alternative Placement Process Parent/Guardian Conference with school team to discuss intervention plan Police Notification		
Criminal Drug Offense C0701 – C0704 C0701 – Prescription Drug C0702 – Cocaine/Powder Substance C0703 – Marijuana C0704 – Look-Alike Drugs	The Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug-Like Substance, and/or Drug Paraphernalia.	

OSS Pending Alternative Placement Process Parent/Guardian Conference with school team to discuss intervention plan Police Notification Counseling Referral Mandatory Drug/Alcohol Referral to Licensed Agency		
Dangerous Instrument C0621	The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive. (BB-guns are not considered a dangerous instrument)	
Up to 10 Days OSS OSS Pending Alternative Placement Process Parent/Guardian Conference with school team to discuss intervention plan Police Notification		
Drug Use/Influence D0502	In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.	
Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening Social Probation at a minimum for time of OSS
Extortion C0141	To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.	
Up to 10 Days OSS Pending Alternative Placement Process Parent/Guardian Conference with school team to discuss intervention plan Restitution Police Notification		
Fighting D1101	Any aggressive physical altercation between two or more individuals.	
Up to 3 Days SBIP Up to 3 Days OSS Social Probation at a minimum for time of OSS Police Notification Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process	Up to 5 Days SBIP UP to 5 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Social Probation for remainder of school year	Up to 10 Days OSS Up to 10 Days SBIP Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Social Probation for remainder of school year
Hate Crimes C0151	Victimizing a person with a crime(s) when motivated by hostility to the victim as a member of a group (as one based on color, creed, gender, or sexual orientation).	
Up to 10 Days OSS Police Notification Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Restitution Restorative Practices Intervention Alternative Placement Process	Up to 10 Days OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Police Notification Counseling Referral Restitution Restorative Practices Intervention	

Offensive Touching Employee Victim D0802	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	
Restorative Practices Intervention Counseling Referral Parent/Guardian Conference with school team to discuss intervention plan Up to 3 Days OSS	Restorative Practices Intervention Counseling Referral Parent/Guardian Conference with school team to discuss/review intervention plan Up to 5 Days OSS Alternative Placement Process	Restorative Practices Intervention Counseling Referral Parent/Guardian Conference with school team to discuss/review intervention plan Up to 10 Days OSS District Office Notification Alternative Placement Process
Offensive Touching Student Victim D0801	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	
Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP Up to 3 Days OSS Social Probation while serving SBIP/OSS	Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Up to 5 Days SBIP Up to 3 Days OSS Social Probation while serving SBIP/OSS	Restorative Practices Intervention Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Alternative Placement Process Up to 5 Days SBIP Up to 10 Days OSS Social Probation while serving SBIP/OSS
Pornography D0101	The possession, sharing, or production of any known obscene material in the School Environment.	
Parent/Guardian Conference with school team to discuss intervention plan Counseling Referral Up to 1 Day SBIP	Parent/Guardian Conference with school team to discuss/update intervention plan Counseling Referral Referral to Outside Agency Up to 3 Days SBIP	Parent/Guardian Conference with school team to discuss/update intervention plan Counseling Referral Referral to Outside Agency Up to 5 Days SBIP Up to 5 Days OSS
Rape or Attempted Rape C0122-C0125	Sexual intercourse and attempted sexual intercourse without consent of the victim in both cases.	
OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan		
Reckless Burning S0152	When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.	
OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan		
Sexual Harassment/Staff D1001	When the person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, request, commands, importunes, or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense, or alarm to that person.	
OSS Pending Alternative Placement Process Police Notification Counseling Referral Parent/Guardian conference with school team to discuss intervention plan		

Sexual Harassment/Student D1001	When the person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, request, commands, importunes, or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense, or alarm to that person.	
Up to 5 Days SBIP Up to 10 Days OSS Police Notification Counseling Referral Parent/Guardian conference with school team to discuss intervention plan Alternative Placement Process	OSS Pending Alternative Placement Process Police Notification Counseling Referral Parent/Guardian conference with school team to discuss intervention plan	
Tampering with Public Records D0401	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	
Up to 10 Days OSS Pending Possible Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan		
Threat Terroristic Threatening Student Victim/Employee Victim D0901	(1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.	
Up to 10 Days OSS Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Police Notification Counseling Referral		
Threat Terroristic Threatening – Bomb Threat D0902	Security Threat - when a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.	
Up to 10 Days OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Counseling Referral		
Unlawful Sexual Contact III/Employee Contact C0301	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.	
OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Police Notification Counseling Referral		

Code of Conduct Glossary of Terms:

Administrator Intervention Plan: A collaborative plan between a student, their parent/ guardian and the school team (administrator, teacher, counselor, other staff if needed) that identifies areas of growth and resources for the student to be successful in school.

Alternative Placement Process: A process that begins at the conclusion of an administrative investigation, as a result of a severe or repetitive code of conduct violation(s) listed above in which a Principal is requesting a referral for Alternative Placement for the student after the administrative investigation is complete. An Alternative Placement Team Meeting will take place to determine if an alternative setting is appropriate for the referred student. The Alternative Placement Team will make a decision on whether to assign a student to an Alternative Placement Program.

If a Parent/Guardian chooses to appeal the Alternative Placement Team Decision the appeal must be in writing to the Superintendent's office no later than 5 business days following the Alternative Placement Team Meeting. A discipline hearing will take place once the appeal is received with an outside Hearing Officer, who will determine the Finding of Facts and give a recommendation to the Smyrna School District Board of Education. The Smyrna School District Board of Education will issue a decision on expulsion of the student for a period up to 180 school days from the date of the incident. If a student and their family choose to waive their right to a Discipline Hearing, the student would be admitting guilt of the code of conduct violation and would be placed in an Alternative Placement Program for an agreed upon period of days not to exceed 180 days from the date of the incident.

(This process must adhere to Delaware Regulations Administrative Code: Title 14 Education: Section 600 School Climate and Discipline, Section 611 Consortium Discipline Alternative Programs for Treatment of Severe Discipline Problems, Section 613 uniform Procedures for Processing Attorney General's Reports, Section 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion, and Section 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings.)

Alternative Program: A school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

Counseling Referral: A referral to the School Counselor, Wellness Center, or Outside Counseling Agency.

Discipline Referral: Formal documentation completed by the staff and returned to Administration with information about an incident or student behavior that occurred.

Expulsion: A disciplinary action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Whether the expulsion is with or without educational services (including Alternative Placement), the expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

In-School Suspension (ISS): The temporary removal of a student from the area indicated by the regularly assigned schedule.

Multi-Tiered System of Support (MTSS): Delaware Regulations Administrative Code: Title 14: Section 500 curriculum and Instruction, Subsection 508 defines MTSS as a framework that is designed to meet the needs of the whole child through an integrated multi-level prevention system that optimizes team-based leadership and data-driven decision making to meet the academic and non-academic needs of all students.

High quality core academic instruction and non-academic practices are provided as universal supports to all children. Evidence-based intervention and supports are matched to student needs and informed by ongoing progress monitoring and additional formative assessments.

Out of School Suspension (OSS): A form of short-term suspension that can be applied as a consequence for violating the Code of Conduct. The duration shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident. Student will still be responsible for class work and assignments during out of school suspension.

The Superintendent shall have the right to temporarily extend a student's suspension beyond ten (10) school day limit pending an Alternative Placement Process decision or Board of Education decision regarding a Discipline hearing or other formalized disciplinary action hearing for the student. A student whose suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day of the extension. Educational services shall continue until the student's Alternative Placement Process decision has been rendered or the Board of education decision regarding the student's Expulsion hearing or other formalized Disciplinary Action hearing has concluded.

Outside Agency Referral: A referral to an outside agency for support and/or reporting requirements.

Parent/Guardian Conference: A conference that can occur via telephone, virtually, or in person with the parent/guardian, student, and school team. The purpose of the conference is to collaborate and create a detailed action or intervention plan outlining interventions, options, and/or steps for the student to be successful and avoid the accumulation of additional/repeat code of conduct violations. Interventions can include, but are not limited to: change of class, time-outs, check-ins, identification of trusted adult(s) [for the student to talk with in and out of school who can be reached if necessary], breaks, counseling plan, wellness plan, and identified goals.

Parent/Guardian Pick Up: A parent must come to school to pick up student property that has been safely stored in a secure location by Administration after **Violation of Electronics, Communication and Equipment Policy S0311.**

Police Notification: The notification to local law enforcement of an incident that occurred on school property during or after school hours that must be reported per Delaware law or Smyrna School District policy.

Restitution: Reimbursement for an object that was taken or damaged from them that has monetary value. This should be a collaborative consequence with the parents involved.

Restorative Practices: The deliberate and intentional use of tools and strategies that facilitate the growth of healthy relationships and communities. The purpose of restorative practices is to strengthen relationships between individuals and increase community connections. Restorative practices are primarily proactive, but can be used as a way to restore harm following an incident/code of conduct violation. See below for intervention technique examples:

Intervention Technique	Examples
Self-reflection	Worksheet with questions to work through, interviews
Apology or appreciation letters	Given to those involved in the incident
Restorative contract	Formal agreements generated that have specific timelines and check-ins on progress
Restitution agreements	Agreements to dedicate time to restore damage to property
Project-based assignment	Creating PSA videos, a paper, community-based projects
Assisting others	Assisting custodial staff, teachers, administrative assistance, or community members
Regular check-ins	Designated person to connect with student on progress and reflect
Research projects	Researching negative outcomes of behaviors or potential alternative solutions for the future, can be presented to others
Volunteer opportunities	Connections to community members or school-based initiatives to give-back

Social Probation: A period of time in which a student is not allowed to participate/attend any non-academic school-based functions.

School-Based Intervention Program (SBIP): As explained in Delaware Regulation: Administration Code: Title 14: Section 600, Subsection 609 District and School-Based Intervention Services should include both short-term and long-term intervention strategies that include character education, short-term or long-term counseling to improve behavior which impacts educational performance, and methods to identify the need to refer student for additional services within the district or to other agencies. Interventions include, but are not limited to: In School Suspension, lunch detention, time outs, and reflection time.

Time Out: A temporary, supervised behavior management technique, which provides opportunities to regain emotional regulation.

Smyrna School District

Code of Conduct

(Elementary)



The Smyrna School District is committed to a restorative and trauma-informed approach to student behavior. Restorative practices are both a preventative and responsive approach to student behavior focused on building and repairing relationships. Our goal is to build healthy communities, increase social learning, decrease anti-social behavior, repair harm, and restore relationships in an effort to educate the whole child. Restorative practices is not just a response to misbehavior, but an inclusive process that engages all members of a school community. Through use of a Multi-Tiered System of Support (MTSS), we are able to blend social and emotional development with academic growth to ensure we are meeting the needs of each student.

The Smyrna School District subscribes to the philosophy of progressive discipline and recognizes and expects teachers to use effective classroom management skills and strategies to handle classroom behaviors and disruptions. Those skills and strategies include, but are not limited to: seat changes, proximity, reviewing and reteaching classroom and school expectations, conversations with student(s) (both with and without parent/guardian) calming corner access, warnings, and time outs. Therefore, each school administrator has the discretion to determine the necessary punitive action based upon the severity and/or regularity of each offense. Each school administrator will select among the punitive action options outlined for each infraction in the student Code of Conduct. The consequences listed in this Code do not have to be used sequentially. The options listed below can be applied or not applied as discipline at the discretion of the specific Administrator, School Administrative team, and/or District Administrative team.

The following Discipline Code of Conduct is in force:

- On school property prior to, during, and following regular school hours;
- On a school bus for any purpose. Infractions may result in removal from bus;
- At all Smyrna School District sponsored events and other activities at which school administrators or staff have jurisdiction over students;
- Off school property resulting in criminal charges.

The Discipline Code of Conduct shall apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of other students and staff. Out-of-school conduct rising to this level of severity may result in an expulsion recommendation of up to/including 180 school days and shall include but is not limited to:

- Acts of violence, which are punishable by law.
- Sexual offenses, which are punishable by law.
- The sale, transfer or possession of drugs and drug paraphernalia, which would constitute an offense punishable by law.
- Felony charges.

An IEP team or Section 504 team meeting shall be conducted for students with a disability if disciplinary removal from school for more than ten (10) days, alternative placement, or expulsion is recommended. Ten (10) days can be consecutive or cumulative. The student's disability must be identified, as defined by Federal and State law and regulations.

Procedures for Search and Seizure

Students and their property may be subjected to search with reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, drug paraphernalia, or a weapon. Student lockers are the property of the school and may be subjected to search.

Student motor vehicle use to and in the school environment is a privilege extended by the school district to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a drug look-alike substance, or drug paraphernalia in the school environment, may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus.

The same procedures listed above for alcohol and drug concerns will be followed with respect to weapons. Additionally, in an effort to maintain a safe school environment any and all Law Enforcement entities in our jurisdiction and Smyrna School District Administration will periodically conduct safety scans inside of Smyrna School District Buildings. These scans will involve the use of trained K9 officers.

School Administration & "in loco parentis" Rights

The term *in loco parentis*, [Latin](#) for "in the place of a parent" refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a [parent](#). Originally derived from British [common law](#). It allows institutions such as colleges and schools to act in the best interests of the [students](#) as they see fit. Allowing what would otherwise be considered violations of the students' [civil liberties](#).

Title 14 – Chapter 7: Lawful Authority of Teachers Over Pupils

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

Student Rights

Students and their parent/guardian, as their representative, are afforded the right to grieve assigned discipline. A student grievance procedure is a mechanism by which a student may seek to remedy the rare situation where they feel they have been treated unfairly or were not afforded due process. A grievance can be filed if a student has not been able to obtain a resolution in a less formal manner.

Grievance Procedure:

1. The grievant should request a conference with the teacher or person(s) who allegedly treated the student unfairly.
2. If the conference fails to resolve the issue, within (5) school days the grievant shall file a written grievance with the principal who shall issue a decision, in writing. The decision

shall be completed no later than five (5) school days following receipt of the written grievance.

3. A grievant wishing to appeal the principal’s written decision must file a written appeal with the Superintendent or designee not later than five (5) days from the date of the receipt of the Principal’s written decision.
4. The Superintendent or designee shall schedule a conference to hear the grievance no later than five (5) school days following receipt of the notice of appeal and shall issue a decision, in writing, no later than five (5) school days following the grievance conference.
5. The decision of the Superintendent shall be the final decision of the school system. A copy of the Superintendent’s final decision shall be sent to all involved parties no later than ten (10) school days following receipt of the appeal by the Superintendent.

Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion

Pursuant to 14 Del.C. §122(b) (26), this regulation provides uniform definitions for student conduct which may result in alternative placement or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the alternative placement or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in expulsion or an alternative placement. Legal definitions may be found at the following link: <http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>

A complete listing of all the Department of Education Discipline Codes at pertaining to Education - Title 14 can be viewed at the following link: <https://www.doe.k12.de.us/Page/3371>

Level 1 – Classroom Teacher Intervention. Parent/Guardian notification should be enacted by the teacher, at the appropriate level for all offenses. Teacher should note all Restorative Measures taken. Teacher should be following the Individual Educational Plan (IEP) for behavior goals.		
Violation	Definition	
1st - Select from the Following	2nd - Select from the Following	Subsequent - Select from the Following
Academic Cheating/Plagiarism S0141	The act of intentionally presenting the work and/or knowledge of another as one’s own, copying.	
Conference with teacher Re-do assignment	Conference w/teacher Parent/Guardian conference with teacher, counselor Parent/guardian conference Re-do assignment	Parent/guardian conference with school team to discuss intervention plan Interventions by school counselor Re-do assignment
Loitering/Out of Area/ Misuse of Pass S0071	Student is out of his or her assigned area during the school day, uses a hall pass in a way not intended by the user, or is caught in a hall sweep of student tardy to class.	
Warning from teacher Teacher conversation with student	Restorative Practices intervention Teacher conversation with student	Restorative practices intervention Restorative contract
Possession of Non-school unsafe items/Laser Pointer S0131/S0314	The possession of any item not normally found in a school setting, excluding a dangerous item.	
Warning/Confiscated	Check-in Confiscate item(s) Conference with student	Restorative contract Parent/guardian conference with school team to discuss intervention plan Confiscate item(s)
Minor Classroom Disruptions	Refusing to do classwork, putting head on the desk, sleeping, other minor lack of participation behaviors. (check-in to confirm root cause)	

Check-in to confirm root cause – address need Restorative Practices intervention Teacher conference (reteach, remind of consequences)	Check-in to confirm root cause – address need Restorative Practices intervention Conference with support staff (behavior interventionist)	Parent/guardian conference with school team to discuss intervention plan Counseling Referral
Use of Cell Phone S0312	Cell phones, Smart watch must be secured out of sight from the start of class through the end of class, unless the classroom teacher has given permission.	
Restorative Practices intervention with Teacher Device turned off and placed in book bag	Restorative Practices intervention with teacher and administrator Device turned off and in book bag	Restorative Contract with parent present and involved Device turned off and in book bag
Inappropriate Behavior S0101	Classroom behavior, which produces distractions and/or disturbances, which repeatedly interfere with the effective functioning of a teacher, the student or the class.	
Apology – written/verbal Conference with support staff (Behavior interventionist) Time-out to complete task	Restorative Practices Intervention Self-reflection with adult support Counseling referral Parent/guardian conference with school team to discuss intervention plan Time Out	

Level 2 – Counselor/Administration Intervention. Parent/Guardian notification should be enacted at every level for all offenses. Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.

Violation	Definition	
1st - Select from the Following	2nd - Select from the Following	Subsequent - Select from the Following
Abusive Language S0301	Written or spoken language or gestures that are considered offensive, obscene, or vulgar.	
Apology written/verbal Time Out Notify Parent/guardian of referral warning Counseling referral as needed	Restorative Practice Interventions (apology) Parent/guardian conference with school team to discuss intervention plan Counseling referral as needed Discipline referral with consequence determined by admin	
Defiance of School Authority S0081	(1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.	
Insubordination S0082		
Restorative Practices Intervention - 1:1 conversation with staff member involved Notify Parent/Guardian of discipline referral warning Removed by admin/support staff Time Out	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Counselor referral Discipline referral with consequence determined by admin	
Criminal Mischief (Vandalism) D0301	A student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property	
Restorative Practices Intervention – assisting others Restitution Parent/guardian conference with school team to discuss intervention plan Discipline referral	Parent/guardian conference with school team to discuss intervention plan Restitution Restorative Practices Intervention District Office Notification Discipline referral SBIP OSS	
Disruption of the educational process S0091	Behavior that causes disruption to the normal operation of the school.	
Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Time Out	Discipline referral District Office notification Parent/guardian conference with school team to discuss intervention plan	

Counseling referral		
Failure to Perform Properly in SBIP S0201	Behavior which produces distractions and/or disturbances, which repeatedly interfere with the classroom atmosphere, failure to follow ISS rules or expectations.	
Restorative Practices Intervention Admin removes student from SBIP for time out	OSS for remainder of the day Parent/guardian conference with school team to discuss intervention plan	
Felony Theft D0601 >\$1500	(a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.	
Restitution Parent/guardian conference with school team to discuss intervention plan Police Notification	Police Notification Restitution Counseling Referral Parent/guardian conference with school team to discuss intervention plan SBIP	Police Notification District Office Notification Restitution Parent/guardian conference with school team to discuss intervention plan Up to 10 days OSS
Forgery/Falsification Verbal/Written/Failure to Provide Identity When Requested S0321/S0322	The act of intentionally providing false information, written or unwritten as authentic. Failure to provide the proper given name to a staff member upon request.	
Restorative Practices Intervention Parent Contact	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan
Gambling S0241	Participation in games of chance for money or other things of value.	
Restorative Practices Intervention	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Counseling Referral	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan
Improper use of Food Account S0251	The act of intentionally using information that belongs to another (i.e. free and/or reduced lunch information).	
Warning/Parent Notification Restitution	Restorative Practices Intervention Restitution Counseling Referral	Restorative Practices Intervention Restitution Time Out Discipline referral
Inappropriate Behavior: Careless & Reckless Behavior S0107	Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.	
Restorative Practices Intervention Time Out	Restorative Practices Intervention Time Out	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Time Out Discipline referral
Inappropriate Behavior: Consensual Sexual Misconduct S0108	Consensual sexual act(s) between two individuals within the School Environment.	
Restorative Practices Intervention Counseling referral	Restorative Practices Intervention Up to 3 days SBIP Discipline referral Counseling referral	Restorative Practices Intervention Up to 10 Days OSS Parent/guardian conference with school team to discuss intervention plan Discipline referral Alternative Placement Process Counseling referral

Inappropriate Behavior: Safety Violation S0102	Any action that could endanger the safety and welfare of students.	
Restorative Practices Intervention Time out	Restorative Practices Intervention Discipline referral SBIP remainder of the day	Parent/guardian conference with school team to discuss intervention plan Up to 1 Day SBIP
Inhalant Abuse D1201	Chemical vapors that are inhaled for their mind-altering effects.	
Restorative Practices Intervention Counselor referral	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Outside Agency Referral	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan Outside Agency Referral
Instigation S0302	The act of causing a disruption and/or fight by relaying information between parties.	
Restorative Practices intervention Parent/guardian conference with school team to discuss intervention plan Counseling Referral	Restorative Practices Intervention Parent/guardian conference with school team to discuss intervention plan SBIP	
Intimidation /Inappropriate Behavior, Disrespect towards a student S0105	Any attempt or threat to do bodily harm to another individual and/or property.	
Restorative Practices intervention with counselor	Restorative Practices intervention Parent/guardian Conference with school team to discuss intervention plan Counseling referral Discipline referral	Restorative Practices intervention Parent/guardian conference with school team to discuss intervention plan SBIP Counseling referral Discipline referral
Intimidation /Inappropriate Behavior, Disrespect towards a staff member S0104	Any attempt or threat to do bodily harm to another individual and/or property.	
Restorative Practices intervention with counselor and staff member affected SBIP remainder of the day	Restorative Practices intervention with counselor and staff member affected Parent/guardian conference with school team to discuss intervention plan SBIP remainder of the day Counseling referral Discipline referral	Restorative Practices intervention with admin and staff member affected Parent/guardian Conference with school team to discuss intervention plan SBIP remainder of the day Counseling referral Discipline referral Up to 3 days OSS
Leaving Class S0052	Leaving class without permission from the teacher.	
Restorative Practices intervention – check in with counselor	Restorative Practices intervention Parent/guardian Conference with school team to discuss intervention plan Staff push in support to complete task, if student leaves again time out will take place to complete task	Restorative Practices Parent/guardian Conference with school team to discuss intervention plan SBIP
Leaving School Grounds S0051	Leaving school grounds without the proper authority to do so.	
Restorative Practices intervention Police Notification	Restorative Practices intervention Up to 2 Days SBIP Police Notification Discipline referral	Restorative Practices intervention Up to 5 Days OSS Police Notification Parent/Guardian Conference with school team to discuss intervention plan
Misuse of Technology/ Acceptable use Policy Violation S0181 Smyrna School District Board Policy 6150 – Computing and Internet Board Policy	The use of school technology equipment in: Soliciting, using, receiving or sending pornographic or obscene material; or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment; or A situation in which a student deliberately: Tampers with, damages, alters, accesses, crashes, or corrupts the	

<u>Parent Student Chromebook User Agreement</u>	computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or District's technology infrastructure.	
<u>Parent Student Chromebook User Agreement Spanish</u>		
Restorative Practices intervention	Restorative Practices intervention Monitored during computer time Parent/Guardian Conference with school team to discuss intervention plan	Restorative Practices intervention Parent/Guardian Conference with school team to discuss intervention plan Monitored during computer time Discipline referral
Repeated Violations of the Student Code of Conduct S0333	Five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.	
Restorative Practices intervention Counseling Referral Parent/guardian conference with school team to discuss intervention plan	Restorative Practices intervention Counseling Referral Parent/guardian conference with school team to discuss intervention plan	Restorative Practices intervention Counseling Referral Parent/guardian conference with school team to discuss intervention plan Referral to Outside Agency
Medications: Inappropriate Possession and/or Use D1601	Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.	
Restorative Practices intervention Counseling Referral Parent pick up of medication	Restorative Practices intervention Counseling referral Parent/guardian conference with school team to discuss intervention plan Referral to Outside Agency	Restorative Practices Intervention Counseling referral Parent/guardian conference with school team to discuss intervention plan Referral to Outside Agency
Stealing S0111 <\$1500	Taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.	
Restorative Practices intervention Restitution	Restorative Practices intervention Counseling Referral Restitution Parent/guardian conference with school team to discuss intervention plan Discipline Referral SBIP	Restorative Practices intervention Counseling Referral Restitution Parent/guardian conference with school team to discuss intervention plan Alternative Placement Process Discipline Referral Up to 5 days OSS
Tobacco Possession, E-cigarettes and/or Use D1401	The use and/or possession of tobacco products on school property. <i>(This includes e-cigarettes/vapor pens)</i>	
Restorative Practices intervention Parent/guardian conference with school team to discuss intervention plan Counseling Referral Outside agency referral	Restorative Practices Parent/guardian conference with school team to discuss intervention plan Referral to Outside Agency	Restorative Practices Parent/guardian conference with school team to discuss intervention plan Referral to Outside Agency
Trespassing/remains unlawfully on school property S0271	Trespassing is when a student knowingly or unknowingly is in a Smyrna School District area without a legitimate purpose/permission.	
Parent/guardian Conference with school team to discuss intervention plan Restorative Practices intervention Police Notification Outside agency referral	Parent/guardian Conference with school team to discuss intervention plan Restorative Practices intervention Police Notification Outside agency referral	Parent/guardian Conference with school team to discuss intervention plan Restorative Practices intervention Police Notification Outside agency referral
Violation of Electronics, Communication and Equipment Policy S0311	The unauthorized use of personal electronic devices.	
Restorative Practices intervention Turn device off and put away Discipline referral Parent/Guardian Pick Up	Restorative Practices Intervention Parent/Guardian conference with school team to discuss intervention plan Discipline referral Parent/Guardian Pick Up	

Level 3— Administration/District Intervention. Parent/Guardian notification should be enacted at every level for all offenses. Prior to writing a referral, check Individual Educational Plan (IEP) for behavior goals.

Violation	Definition	
1st	2nd	Subsequent
Aggravated Act of Intimidation /Staff C0156	Disorderly conduct causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
OSS Pending Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan		
Aggravated Act of Intimidation/Student C0156	Disorderly conduct causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
Up to 10 Days OSS Police Notification Alternative Placement Process Parent/guardian conference with school team to discuss intervention plan	Up to 10 Days OSS Pending Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan	
Arson C0134 – 1st C0133 – 2nd	A person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.	
Up to 10 Days OSS Pending Alternative Placement Process Police/Fire Marshall notification Restitution Recommendation for Counseling Report filed with Fire Marshal’s Office		
Assault Staff C0107 – Assault 1st C0106 – Assault 2nd C0201 – Assault 3rd	A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	
Up to 10 Days OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan	Up to 10 Days OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan	
Assault Student C0107 – Assault 1st C0106 – Assault 2nd C0201 – Assault 3rd	A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.	
Up to 10 Days OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan	Up to 10 Days OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss intervention plan	
Attorney General’s Report S0161 – (Off-Campus Only) S0162 – CDAP	<i>Juvenile Arrest Warrant and Complaint</i> - the Department of Justice’s report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and Drug offenses.	
Up to 10 Days OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan		

Breaking and Entering S0272	Unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.	
Up to 10 Days OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Police Notification Counseling Referral		
Bullying/Cyberbullying D0701 Smyrna School District Board Policy 5103 – Bullying	Any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.	
Up to 2 Days OSS Police Notification Restitution Restorative Practices Intervention Parent/Guardian conference to discuss intervention plan Discipline referral Counseling Referral	Up to 5 days OSS Police Notification Restitution Restorative Practices Intervention Parent/Guardian conference to discuss intervention plan Discipline referral Counseling Referral	Up to 10 Days OSS Pending Alternative Placement Process Restitution Police Notification
Criminal Deadly Weapon C0601 C0602 C0603 C0604 C0605 C0606 C0607 C0608 C0609 C0610 C0611 C0612 C0613 C0614 C06015 C0616 C0617 C0618 C0619 C0620 C0624 C0625 C0626	The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive.	
Up to 10 Days OSS Pending Alternative Placement Process Parent/Guardian Conference with school team to discuss intervention plan Police Notification		
Criminal Drug Offense C0701 – C0704 C0701 – Prescription Drug C0702 – Cocaine/Powder Substance C0703 – Marijuana C0704 – Look-Alike Drugs	The Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug-Like Substance, and/or Drug Paraphernalia.	
OSS Pending Alternative Placement Process Police Notification Counseling Referral Mandatory Drug/Alcohol Referral to Licensed Agency Parent/Guardian conference with school team to discuss intervention plan		
Dangerous Instrument C0621	The Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1458 inclusive. (BB-guns are not considered a dangerous instrument)	

OSS Pending Alternative Placement Process Parent/Guardian conference with school team to discuss intervention plan Police Notification		
Drug Use/Influence D0502	In the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.	
Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening	Up to 10 Days OSS Alternative Placement Process Police Notification Parent/guardian conference with school team to discuss intervention plan Mandatory Counseling Proof of regular drug screening
Extortion C0141	To obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.	
Up to 10 Days OSS Pending Alternative Placement Process Restitution Police Notification Parent Conference with school team to discuss intervention plan	Up to 10 Days OSS Pending Alternative Placement Process Restitution Police Notification Parent Conference with school team to discuss intervention plan	
Fighting D1101	Any aggressive physical altercation between two or more individuals.	
Restorative Practices intervention SBIP Up to 3 Days OSS Parent/guardian Conference with school team to discuss intervention plan	Restorative Practices intervention Up to 3 Days OSS Parent/guardian Conference with school team to discuss intervention plan	Restorative Practices intervention Up to 5 Days OSS Parent/guardian Conference to discuss intervention plan
Hate Crimes C0151	Victimizing a person with a crime(s) when motivated by hostility to the victim as a member of a group (as one based on color, creed, gender, or sexual orientation).	
Up to 10 Days OSS Police Notification Counseling Referral Parent Conference with school team to discuss intervention plan Restitution Possible Alternative Placement Process	Up to 10 Days OSS Pending Alternative Placement Process Police Notification Counseling Referral Restitution	
Offensive Touching Employee Victim D0802	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	
Restorative Practices intervention Counseling Referral Parent/guardian Conference with school team to discuss intervention plan Up to 3 Days OSS	Restorative Practices intervention Counseling Referral Parent/guardian Conference with school team to discuss intervention plan Up to 3 Days OSS	Restorative Practices intervention Counseling Referral Parent/guardian Conference to discuss intervention plan Up to 5 Days OSS District Office Notification
Offensive Touching Student Victim D0801	Intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.	
Restorative Practices intervention Counseling Referral Parent/guardian Conference with school team to discuss intervention plan SBIP	Restorative Practices intervention Counseling Referral Parent/guardian Conference with school team to discuss intervention plan SBIP	Restorative Practices intervention Counseling Referral Parent/guardian Conference with school team to discuss intervention plan SBIP Up to 3 Days OSS

Pornography D0101	The possession, sharing, or production of any known obscene material in the School Environment.	
Parent/guardian Conference to discuss intervention plan Counseling Referral	Parent/guardian Conference to discuss intervention plan Counseling Referral Referral to Outside Agency	Parent/guardian Conference to discuss intervention plan Counseling Referral Referral to Outside Agency
Rape or Attempted Rape C0122-C0125	Sexual intercourse and attempted sexual intercourse without consent of the victim in both cases.	
OSS Pending Alternative Placement Process Police Notification Parent/guardian Conference		
Reckless Burning S0152	When a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.	
OSS Pending Alternative Placement Process Police/Fire Marshal Notification Parent/Guardian Conference to discuss intervention plan Up to 5 days OSS	OSS Pending Alternative Placement Process Police/Fire Marshal Notification Parent/Guardian Conference to discuss intervention plan Up to 10 days OSS	
Sexual Harassment/Staff D1001	When the person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, request, commands, importunes, or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense, or alarm to that person.	
OSS Pending Alternative Placement Process Police Notification Counseling Referral Parent/Guardian conference to discuss intervention plan		
Sexual Harassment/Student D1001	When the person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, request, commands, importunes, or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense, or alarm to that person.	
Up to 10 Days OSS Police Notification Counseling Referral Parent/guardian Conference to discuss intervention plan Alternative Placement Process	Up to 10 Days OSS Police Notification Counseling Referral Parent/guardian Conference to discuss intervention plan Alternative Placement Process	
Tampering with Public Records D0401	A person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.	
Up to 10 Days OSS Pending Alternative Placement Process		
Threat Terroristic Threatening Student Victim/Employee Victim D0901	(1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.	
Up to 5 Days OSS Alternative Placement Process Police Notification Counseling Referral Parent/Guardian conference to discuss an intervention plan	Up to 10 Days OSS Alternative Placement Process Police Notification Counseling Referral Parent/Guardian conference to discuss an intervention plan	

Threat Terroristic Threatening – Bomb Threat D0902	Security Threat - when a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.	
Up to 10 Days OSS Pending Alternative Placement Process Police Notification Counseling Referral Parent/Guardian conference with school team to discuss intervention plan		
Unlawful Sexual Contact III/Employee Contact C0301	When a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.	
OSS Pending Alternative Placement Process Police Notification Parent/Guardian conference with school team to discuss inter intervention plan Counseling Referral		

Code of Conduct Glossary of Terms:

Administrator Intervention Plan: A collaborative plan between a student, their parent/ guardian and the school team (administrator, teacher, counselor, other staff if needed) that identifies areas of growth and resources for the student to be successful in school.

Alternative Placement Process: A process that begins at the conclusion of an administrative investigation, as a result of a severe or repetitive code of conduct violation(s) listed above in which a Principal is requesting a referral for Alternative Placement for the student after the administrative investigation is complete. An Alternative Placement Team Meeting will take place to determine if an alternative setting is appropriate for the referred student. The Alternative Placement Team will make a decision on whether to assign a student to an Alternative Placement Program.

If a Parent/Guardian chooses to appeal the Alternative Placement Team Decision the appeal must be in writing to the Superintendent's office no later than 5 business days following the Alternative Placement Team Meeting. A discipline hearing will take place once the appeal is received with an outside Hearing Officer, who will determine the Finding of Facts and give a recommendation to the Smyrna School District Board of Education. The Smyrna School District Board of Education will issue a decision on expulsion of the student for a period up to 180 school days from the date of the incident. If a student and their family choose to waive their right to a Discipline Hearing, the student would be admitting guilt of the code of conduct violation and would be placed in an Alternative Placement Program for an agreed upon period of days not to exceed 180 days from the date of the incident.

(This process must adhere to Delaware Regulations Administrative Code: Title 14 Education: Section 600 School Climate and Discipline, Section 611 Consortium Discipline Alternative Programs for Treatment of Severe Discipline Problems, Section 613 uniform Procedures for Processing Attorney General's Reports, Section 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion, and Section 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings.)

Alternative Program: A school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

Counseling Referral: A referral to the School Counselor, Wellness Center, or Outside Counseling Agency.

Discipline Referral: Formal documentation completed by the staff and returned to Administration with information about an incident or student behavior that occurred.

Expulsion: A disciplinary action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Whether the expulsion is with or without educational services (including Alternative Placement), the expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

In-School Suspension (ISS): The temporary removal of a student from the area indicated by the regularly assigned schedule.

Multi-Tiered System of Support (MTSS): Delaware Regulations Administrative Code: Title 14: Section 500 curriculum and Instruction, Subsection 508 defines MTSS as a framework that is designed to meet the needs of the whole child through an integrated multi-level prevention system that optimizes team-based leadership and data-driven decision making to meet the academic and non-academic needs of all students.

High quality core academic instruction and non-academic practices are provided as universal supports to all children. Evidence-based intervention and supports are matched to student needs and informed by ongoing progress monitoring and additional formative assessments.

Out of School Suspension (OSS): A form of short-term suspension that can be applied as a consequence for violating the Code of Conduct. The duration shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident. Student will still be responsible for class work and assignments during out of school suspension.

The Superintendent shall have the right to temporarily extend a student’s suspension beyond ten (10) school day limit pending an Alternative Placement Process decision or Board of Education decision regarding a Discipline hearing or other formalized disciplinary action hearing for the student. A student whose suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day of the extension. Educational services shall continue until the student’s Alternative Placement Process decision has been rendered or the Board of education decision regarding the student’s Expulsion hearing or other formalized Disciplinary Action hearing has concluded.

Outside Agency Referral: A referral to an outside agency for support and/or reporting requirements.

Parent/Guardian Conference: A conference that can occur via telephone, virtually, or in person with the parent/guardian, student, and school team. The purpose of the conference is to collaborate and create a detailed action or intervention plan outlining interventions, options, and/or steps for the student to be successful and avoid the accumulation of additional/repeat code of conduct violations. Interventions can include, but are not limited to: change of class, time-outs, check-ins, identification of trusted adult(s) [for the student to talk with in and out of school who can be reached if necessary], breaks, counseling plan, wellness plan, and identified goals.

Parent/Guardian Pick Up: A parent must come to school to pick up student property that has been safely stored in a secure location by Administration after **Violation of Electronics, Communication and Equipment Policy S0311.**

Police Notification: The notification to local law enforcement of an incident that occurred on school property during or after school hours that must be reported per Delaware law or Smyrna School District policy.

Restitution: Reimbursement for an object that was taken or damaged from them that has monetary value. This should be a collaborative consequence with the parents involved.

Restorative Practices: The deliberate and intentional use of tools and strategies that facilitate the growth of healthy relationships and communities. The purpose of restorative practices is to strengthen relationships between individuals and increase community connections. Restorative practices are primarily proactive, but can be used as a way to restore harm following an incident/code of conduct violation. See below for intervention technique examples:

Intervention Technique	Examples
Self-reflection	Worksheet with questions to work through, interviews
Apology or appreciation letters	Given to those involved in the incident
Restorative contract	Formal agreements generated that have specific timelines and check-ins on progress

Restitution agreements	Agreements to dedicate time to restore damage to property
Project-based assignment	Creating PSA videos, a paper, community-based projects
Assisting others	Assisting custodial staff, teachers, administrative assistance, or community members
Regular check-ins	Designated person to connect with student on progress and reflect
Research projects	Researching negative outcomes of behaviors or potential alternative solutions for the future, can be presented to others
Volunteer opportunities	Connections to community members or school-based initiatives to give-back

Social Probation: A period of time in which a student is not allowed to participate/attend any non-academic school-based functions.

School-Based Intervention Program (SBIP): As explained in Delaware Regulation: Administration Code: Title 14: Section 600, Subsection 609 District and School-Based Intervention Services should include both short term and long-term intervention strategies that include character education, short-term or long-term counseling to improve behavior which impacts educational performance, and methods to identify the need to refer student for additional services within the district or to other agencies. Interventions include, but are not limited to: In School Suspension, lunch detention, time outs, and reflection time.

Time Out: a temporary, supervised behavior management technique, which provides opportunities to regain emotional regulation.

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