



Smyrna School District

Student Code of Conduct *Intermediate*

Student Responsibilities and Rights Grade 5-6



Smyrna School District

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Welcome

The Smyrna School District strives to provide a safe, drug-free, positive school climate that allows students to succeed. To achieve this goal; school personnel and parents/guardians must assume a responsible role in creating a relationship as partners in the educational process of the students we serve. Promoting the values of responsibility, compassion, integrity, perseverance, and respect in every school environment in Smyrna will create a positive learning environment and promote behavior that encourages the academic, social, and emotional growth of all students.

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.

Students, parents/guardians, and staff are expected to become familiar with the entire contents of this document.

Introduction

The Smyrna School District is committed to ensuring students:

- Feel welcomed and are excited about learning;
- Believe that their teachers, administration, and other staff in the school support them so that they can achieve their best;
- Are treated in an equitable and fair manner;
- Are provided with opportunities for social and emotional growth embedded in academic learning;
- Are provided with classrooms and schools that are positive and safe;
- Understand that they are contributing members of the school community and their community at large;
- Understand that rules and laws exist for their protection, and compliance is required for the good of all;
- Learn and grow through the application of the Code of Conduct

The Smyrna School District focuses on the whole child. Educating the whole child means deliberate attention to academics and social-emotional learning while offering solid athletics and extra-curricular programs for each child. Success will take working in partnership, so every student is prepared to become responsible and productive citizens when they graduate from Smyrna High School.

With this in mind, the District will use the application of the Code of Conduct as a means of social and emotional development. Infractions of the Code of Conduct must be viewed by both the school and parents as serious and as learning opportunities for the students. As teachable moments present

themselves when Code of Conduct violations occur, the learning experience for students will only be as valuable as the partnership between the school and home. Working together in partnership ensures better outcomes for students and supports their growth and development as productive members of society. Failure on either party to use violations to teach and improve future outcomes for the students sends mixed messages to the child and significantly impacts the desired growth and development. For this reason, it is essential that parents and schools work together, through the smallest of infractions to those with significant consequences, to co-teach valuable life lessons to ensure the whole child grows and matures as a result of school experiences.

What is the Student Code of Conduct?

The Student Code of Conduct is an official declaration of the Smyrna School District Board of Education which:

- Specifies the responsibilities and rights of students;
- Defines conduct that is expected to maintain a positive and safe learning environment;
- Provides standardized procedures for disciplinary action;
- Defines appeal procedures;
- Incorporates excerpts from State and Federal laws and regulations.

Provisions in the Student Code of Conduct apply to all students Grades K-12. The Student Code of Conduct is not applicable to our preschool and prekindergarten students.

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.

A copy of the Code of Conduct is sent home (email or paper) to each student upon school entry, and is available on each school's web page. Orientation to the Code of Conduct is held in each school at the beginning of the school year whether in the classroom or an assembly.

When is the Student Code of Conduct Applicable?

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.

Students with Disabilities

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 laws and regulations.

What is a Healthy School Environment?

A healthy school environment is best described as:

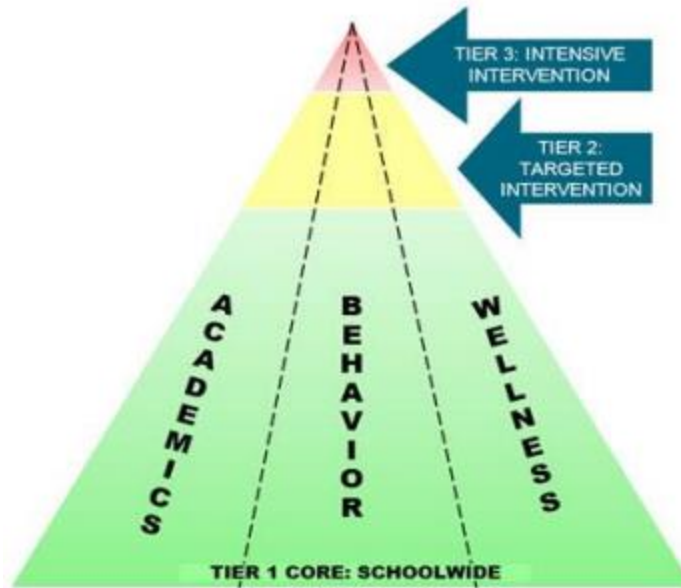
- Safe and supportive;
- Welcoming and inclusive;
- Providing a range of engaging and meaningful educational opportunities;
- Utilizing a multi-tiered system of supports (MTSS) for students within both academic and behavioral, social-emotional, cultural domains of learning;
- Protecting students from behavior which threatens their health, safety, or welfare, or which interferes with learning;
- Free of drugs, weapons, and other illegal activities;
- Respectful of diversity among students and staff in the building.

Establishing a Healthy School Environment Through a Multi-Tiered System of Support

The Smyrna School District utilizes a Multi-Tiered System of Support (MTSS) to meet student needs. This system is used for students’ academic, social, emotional, and behavioral growth.

- Tier I encompasses general strategies used across a school to support the positive behavior and academic success of all students.
- Tier II applies additional strategies for students who need more support at a targeted level.
- Tier III develops individualized support for students who need more than universal or targeted support.

The graphic below shows how the strategies and interventions available to support students in both academic and behavioral areas of need work together.



In order to achieve and maintain a positive school environment through the Multi-Tiered System of Support, students are expected to follow expectations set forth by the Smyrna School District.

Expectations

The Code of Conduct serves as a reminder that our collective success is contingent upon the active engagement and collaboration of all stakeholders. We encourage students to embrace their roles as responsible learners and citizens of your school community. We invite parents to be active partners in your student's educational journey, supporting their growth, communicating opening with our staff, and reinforcing our values we hold dear. School personnel will foster an environment that nurtures academic and personal growth. By working together and adhering to the below expectations, our schools will be safe, secure, equitable, and inclusive learning environments where all students can succeed.

Students will:

- Attend all classes daily and on time;
- Be prepared for class assignments and activities;
- Respect all persons and property;
- Refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- Conduct themselves in a safe and responsible manner;
- Are responsible for their own work and behavior;
- Abide by the rules and regulations set forth by the Smyrna School District;
- Seek changes in an orderly and approved manner.

Parent/Guardian will:

- Keep in contact with the school concerning their child's progress and conduct;
- Maintain up-to-date home, cellular, work, and emergency contacts at the school;
- Ensure that their child maintains daily attendance and promptly report and explain an absence or tardiness to the school;
- Provide their child with resources needed to complete classwork and homework;

- Refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- Bring to the attention of the school authorities any problem or condition which affects their child or other children of the school community;
- Discuss report cards and work assignments with their child;
- Attend parent/guardian/teacher conferences;
- Seek changes in an orderly and approved manner.

School Personnel will:

- Adhere to the Smyrna School District [Employee Attendance Policy](#) and be prepared to perform all duties as assigned;
- Respect all persons and property;
- Communicate with parent/guardian, students, and other employees in a manner that reflects professionalism and caring;
- Refrain from using profanity, abusive language, or inflammatory actions in personal interactions;
- Conduct themselves in a safe and responsible manner;
- Abide by the rules and regulations set forth by the Smyrna School District;
- Seek changes in an orderly and approved manner;
- Maintain an atmosphere which encourages good behavior and active learning;
- Plan a flexible curriculum to meet the needs of all students;
- Develop good working relationships among staff and with students;
- Encourage the school staff, parent/guardian, and students to use the services of community agencies;
- Encourage parents/guardians to maintain regular communications with the school;
- Provide opportunities for parent/guardian participation in affairs of the school;
- Involve the community in order to improve the quality of life within the Smyrna School District.

Bus Privileges

The Student Code of Conduct will apply to all violations to and from school, at the bus stop, and while boarding, riding, or exiting buses. Code of Conduct infractions which occur on the bus may result in the suspension of bus-riding privileges. Students must follow bus safety regulations as follows:

- Keep your hands, feet, and objects to yourself and inside the bus;
- Listen and follow directions from the bus driver and/or bus aide;
- Stay seated while on the bus;
- Students only ride their assigned bus and get on and off at their designated stop unless otherwise approved by the principal or transportation supervisor;
- Parents/Guardians are not allowed to enter the bus. Any concerns must be addressed with the building administrator and/or transportation supervisor.

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 vehicles 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, 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, at 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.

Delaware Code, Title 14 (Education), Chapter 7 (Lawful Authority of Teachers Over Pupils), § 701 (b) states: *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 Due Process Rights

All students must be informed of the violation(s) and the range of disciplinary actions that can accompany the violation(s). The Code of Conduct is available to all students and families on the Smyrna School District website (print versions are available upon request) and disseminated and explained to students on a yearly basis.

Each student involved in a situation which may result in a disciplinary action must be given the following due process by the administrator or designee:

- Informed of the allegation(s) against them, the conduct which forms the basis of the allegation(s), and explained the policy, rule, or regulation violated;

- Given an explanation of the evidence supporting the allegation(s) and an opportunity to present their side of the story, including any evidence, witnesses, or questions.

A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.

Parents are to be informed of incidents as soon as possible either by phone verbally or written notice. Reasonable efforts shall be made to include the allegedly offending student or parent/guardian in an investigation.

Students and their parent/guardian, as their representative, are afforded the right to appeal assigned discipline. A student appeal procedure is a mechanism by which a student may seek to remedy the 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.

Appeal Procedures

Disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the following reasons:

- Inappropriate due process
- Incorrect consequence per the Code of Conduct
- Incorrect charge or charge not supported by substantial evidence

Upon initiation of the appeal process, penalties shall not be implemented until the student ceases or exhausts their appeal. This “stay-put” provision does not apply in the following cases:

- If the student is being suspended as a first step in the Alternative Placement process;
- If the student has been charged with a criminal offense for an act committed outside of school;
- If the Principal determines the act allegedly committed by the student is a threat to the health, safety, or welfare of the staff or other students in the building.

1. If after an administrator or their designee meets with the student and/or parent during a conference (either in-person, virtual, phone call, or email correspondence) to discuss a Code of Conduct violation(s) and the disciplinary consequence; a student and/or parent/guardian who would like to appeal to the next level administrator, the student or parent/guardian must express their intent to appeal within **24 hours** of the initial disciplinary action conference.
2. The student and/or parent/guardian must put the reason for the appeal in writing within **three (3) business days** following the disciplinary outcome/action being appealed. The written request must identify what decision is being appealed and why to the appropriate level of administration.
3. Within **three (3) business days** of the written submission, the appeal will be decided upon by the next level administrator and addressed with the student and/or parent/guardian during a conference (either in-person, virtual, phone call, or email correspondence). A written determination shall be issued by the next level administrator

who investigated the appeal within **three (3) business days** of receipt of the appeal and conference.

4. A student/parent/guardian wishing to appeal the School's written determination must file a written appeal of that determination with the Superintendent or designee no later than **three (3) business days** from the date of receipt of the Principal's written determination.
5. The Superintendent or designee shall schedule a conference (either in-person, virtual, phone call, or email correspondence) to hear the appeal no later than **five (5) business days** following receipt of the notice of appeal and shall issue a written determination, in writing, no later than **five (5) business days** following the appeal conference.
6. The determination of the Superintendent's Office shall be the final decision of the school system. A copy of the Superintendent's Office final determination shall be sent to all involved parties no later than **five (5) business days** following the date of the conference.

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. Please see [Smyrna School Board of Education Policy 5113](#) for more information on the Alternative Placement Process or Expulsion procedures.

Legal definitions may be found at the following link:

<http://regulations.delaware.gov/AdminCode/title14/index.shtml#TopOfPage>

A complete listing of all the Department of Education Discipline Codes at pertaining to Education can be viewed at the following link:

<https://www.doe.k12.de.us/Page/3371>

Violations of the Student Code of Conduct

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

Violation	Definitions	
1st: 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.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Counseling Referral ○ Up to 1 Day SBIP ○ Time Out ○ Teacher/Student Conference 	<ul style="list-style-type: none"> ○ Restorative Practice Intervention ○ Counseling Referral ○ Up to 3 Days SBIP ○ Time Out ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practice Intervention ○ Counseling Referral ○ Up to 5 Days SBIP ○ Parent/Guardian Conference with the 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.	
<ul style="list-style-type: none"> ○ Conference with Teacher ○ Re-do assignment 	<ul style="list-style-type: none"> ○ Conference with Teacher ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Re-do assignment 	<ul style="list-style-type: none"> ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Re-do assignment
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.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the 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.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS

<ul style="list-style-type: none"> ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling referral 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling referral 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling referral
Careless and Reckless Behavior S0107	Unintentional behavior that threatens to or causes injury or property damage that causes or may cause unintentional injury or property damage.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process
Cell Phone Violation S0312	Cell phones must be secured and out of sight from the start of class through the end of class unless teacher has given permission otherwise.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention with Teacher ○ Device turned off/placed in book bag ○ Time Out 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention with Teacher and Administrator ○ Device turned off/placed in book bag ○ Time Out 	<ul style="list-style-type: none"> ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Device turned off/placed in book bag ○ Time Out ○ Up to 1 Day SBIP
Consensual Sexual Misconduct S0108	Consensual sexual act(s) between two individuals within the school environment	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Up to 1 Day SBIP ○ Up to 1 Day OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Contact ○ Up to 3 Days OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 10 Days OSS ○ Possible Advanced Placement Process
Defiance of School Authority S0181 Insubordination S0082	<ol style="list-style-type: none"> 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.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 2 Days SBIP ○ Time Out 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Time Out ○ Up to 1 Day OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Time Out ○ Up to 2 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan
Discriminatory Behavior or Speech S0340	Any electronic, physical, verbal, or written action (direct or indirect) that excludes, marginalizes, or discriminates against other people or groups of people that are members of a protected class.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 10 Days OSS ○ Counseling Referral ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process
Disruption of the Educational Process S0091	Behavior that causes disruption to the normal operation of the school	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 10 Days OSS ○ Counseling Referral ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process
Failure to Perform Properly in School Based Intervention Program (SBIP) S0201	Failure to show SBIP rules or expectations.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ OSS for Remainder of the Day ○ Student to make up SBIP time upon return 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ OSS for Remainder of the Day ○ Student to make up SBIP time upon return 	<ul style="list-style-type: none"> ○ 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.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention 	<ul style="list-style-type: none"> ○ Restorative Intervention ○ Up to 3 Days SBIP

<ul style="list-style-type: none"> ○ 1 Day SBIP ○ 1 Day OSS 	<ul style="list-style-type: none"> ○ Up to 3 Days SBIP ○ Up to 3 Days OSS 	<ul style="list-style-type: none"> ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan
Forgery/Falsification Verbal/Written S0321	The act of intentionally providing false information, written or unwritten, as authentic.	
Failure to Provide Identity When Requested S0211	Failure to provide the proper given name to a staff member upon request.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ 1 Day SBIP 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 2 Days SBIP ○ 1 Day OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan
Gambling S0241	Participation in games of chance for money or other things of value.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 2 Days SBIP 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 2 Days OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the 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).	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Restitution 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Restitution ○ Up to 1 Day SBIP 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan
Inappropriate Behavior S0101	Behavior which produces distractions and/or disturbances, which seriously or repeatedly interfere with the effective functioning of a school employee, the student, or the class.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Counseling Referral ○ Time Out 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan

	<ul style="list-style-type: none"> ○ Time Out ○ Up to 1 Day SBIP ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 3 Days SBIP ○ Counseling Referral
Instigation S0302	The act of causing a disruption and/or fight by relaying information between parties.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Time Out ○ Up to 1 Day OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian conference with school team to discuss intervention plan ○ Up to 3 Days SBIP ○ Time Out ○ Up to 5 Days OSS 	<ul style="list-style-type: none"> ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 10 Days OSS
Intimidation/Inappropriate Behavior, Disrespect Towards a Student S0105	Behavior that interferes with another student having a safe school environment and/or any action or attempt or threat to do bodily harm to another individual and/or property.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan
Intimidation/Inappropriate Behavior, Disrespect Towards a Staff Member S0104	Any action, attempt, and/or threat to do bodily harm to another individual and/or property.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan
Leaving Class S0052	Leaving class without permission from the teacher.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Time Out ○ Police Notification ○ Counselor Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Police Notification 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Police Notification ○ Parent/Guardian Conference with the

		school team to discuss intervention plan
Leaving School Grounds S0051	Leaving school grounds without the proper authority to do so.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counselor Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 2 Days SBIP ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan
Misuse of Technology/Acceptable Use Policy Notification 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: <ul style="list-style-type: none"> ○ 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. 	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Notification ○ Up to 1 Day SBIP 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Parent/Guardian Conference with the 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.	
<ul style="list-style-type: none"> ○ Warning/Confiscated ○ Conference with Student ○ SBIP/OSS Remainder of Day 	<ul style="list-style-type: none"> ○ Check-in/Confiscate Item(s) ○ Conference with Student/Parent ○ Up to 1 Day SBIP/OSS 	<ul style="list-style-type: none"> ○ Restorative Contract ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Confiscate Item(s) ○ Up to 3 Days SBIP ○ Up to 5 Days OSS

Use of Profanity/Not Staff Directed S0011	Use of Profanity/course words.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Notify Parent/Guardian ○ Time Out 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Notify Parent/Guardian ○ Increased intervention (reminders, setting the expectations) 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the 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.		
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police/Fire Marshal Notification ○ Restitution ○ Recommendation for Counseling 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police/Fire Marshal Notification ○ Restitution ○ Recommendation for Counseling 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police/Fire Marshal 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		
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral
Safety Violation S0102		
Any action that could endanger the safety and welfare of students, staff, or building		
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 3 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 3 Days SBIP ○ Up to 10 Days OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 5 Days SBIP ○ Up to 10 Days OSS

	<ul style="list-style-type: none"> ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Alternative Placement Process
Skipping/Cutting Class S0041	Intentionally cutting or skipping class	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Counseling Referral ○ Time Out 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan
Stealing <\$1500 S0111	Taking, exercising control over, or obtaining property of another person intending to deprive that person of it or appropriate it.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Restitution ○ Parent/Guardian Conference with the school team to discuss intervention nplan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 3 Days OSS ○ Restitution ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Restitution ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process
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.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 1 Day SBIP ○ Up to 2 Days OSS ○ Police Notification 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Police Notification 	<ul style="list-style-type: none"> ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification
Violation of Electronics, Communication, and Equipment Policy S0311	The unauthorized use of personal electronic devices.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Parent/Guardian Pick Up 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 2 Days SBIP ○ Parent/Guardian Pick Up ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Parent/Guardian Pick Up ○ Parent/Guardian Conference with the school team to discuss intervention plan

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

Violation	Definitions	
1 st Select from the Following	2 nd 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: <ol style="list-style-type: none"> 1. Placing a student, school volunteer, or school employee in reasonable fear of substantial harm to their emotional or physical well-being or substantial harm to their 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 a 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. 	
<ul style="list-style-type: none"> ○ Up to 2 Days SBIP ○ Up to 2 Days OSS ○ Police Notification ○ Restorative Practices Intervention ○ Parent/guardian conference with school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ 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 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Mediation with Parent/Guardian ○ Police Notification ○ Restitution ○ Parent/Guardian Conference with school team to discuss intervention plan
Criminal Mischief (Vandalism) D0301	A student, in the School Environment, intentionally or recklessly: <ol style="list-style-type: none"> 1. Damages tangible property of another person or entity; or 2. Tampers with tangible property of another person to endanger person or property. 	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention

<ul style="list-style-type: none"> ○ Up to 1 Day SBIP ○ Parent/Guardian conference with school team to discuss intervention plan ○ Restitution 	<ul style="list-style-type: none"> ○ Up to 3 Days SBIP ○ Restitution ○ Parent/Guardian conference with school team to discuss intervention plan ○ Outside Agency Referral 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Parent/Guardian conference with school team to discuss intervention plan ○ Restitution
<p>Drug Use/Influence D0502</p> <p>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.</p>		
<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Mandatory Counseling ○ Social Probation at a minimum for time of OSS 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Mandatory Counseling ○ Social Probation at a minimum for time of OSS 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Mandatory Counseling ○ Social Probation at a minimum for time of OSS
<p>Felony Theft >\$1500 D0601</p> <ol style="list-style-type: none"> 1. When a person takes, exercises control over, or obtains property of another person intending to deprive that person of it or appropriate it; or 2. 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. <p>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.</p>		
<ul style="list-style-type: none"> ○ Up to 3 Days SBIP ○ Up to 1 Day OSS ○ Parent/Guardian conference with school team to discuss intervention plan ○ Police Notification ○ Restitution 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Police Notification ○ Restitution ○ Counseling Referral ○ Parent/Guardian conference with school team to discuss intervention plan ○ Outside Agency Referral 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Police Notification ○ Restitution ○ Parent/Guardian conference with school team to discuss intervention plan ○ Alternative Placement Process

Fighting D1101	Any aggressive physical altercation between two or more individuals.	
<ul style="list-style-type: none"> ○ 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 the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Social Probation for remainder of school ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Up to 10 Days SBIP ○ Up to 10 Days OSS ○ Social Probation for remainder of school ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process
Inhalant Abuse D1201	Chemical vapors inhaled for their mind-altering effects.	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Counseling Referral ○ Up to 1 Day SBIP ○ Up to 1 Day OSS 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral
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	
<ul style="list-style-type: none"> ○ Counseling Referral ○ Send to the Nurse ○ Up to 1 Day SBIP 	<ul style="list-style-type: none"> ○ Send to the Nurse ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral 	<ul style="list-style-type: none"> ○ Send to the Nurse ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral
Offensive Touching – Employee Victim D0802	Intentionally touching another person either with a member of their body or with any instrument knowing that the person is thereby likely to cause offense or alarm to such another person; or intentionally striking another person with saliva, urine, feces, or any other bodily fluid, knowing that the person is likely to cause offense or alarm to such other person. Unintentionally hitting school personnel attempting to break up a physical altercation.	
<ul style="list-style-type: none"> ○ Up to 3 Days OSS ○ Restorative Practices Intervention ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 5 Days OSS ○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the

<ul style="list-style-type: none"> ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> school team to discuss/review intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> school team to discuss/review intervention plan ○ Alternative Placement Process
Offensive Touching – Student Victim D0801	Intentionally touching another person either with a member of their 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.	
<ul style="list-style-type: none"> ○ Up to 1 Days SBIP ○ Up to 3 Days OSS ○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Social Probation while serving SBIP/OSS 	<ul style="list-style-type: none"> ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Social Probation while serving SBIP/OSS 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Social Probation while serving SBIP/OSS
Pornography D0101	The possession, sharing, or production of any known obscene material in the School Environment.	
<ul style="list-style-type: none"> ○ Up to 1 Day SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 3 Days SBIP ○ Parent/Guardian Conference with school team to discuss/update intervention plan ○ Counseling Referral ○ Outside Agency Referral 	<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with school team to discuss/update intervention plan ○ Counseling Referral ○ Outside Agency Referral
Sexual Harassment – Staff Victim D1001	Actions or statements that are sexual in nature including a person suggesting, soliciting, requesting, commanding, importunes, or otherwise attempts to induce another, which offend or defame the dignity or self-esteem of an individual, thereby likely to cause annoyance, offense, or alarm to that individual.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process

Sexual Harassment – Student Victim D1001	Actions or statements that are sexual in nature including a person suggesting, soliciting, requesting, commanding, importunes, or otherwise attempts to induce another, which offend or defame the dignity or self-esteem of an individual, thereby likely to cause annoyance, offense, or alarm to that individual.	
<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral
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.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan
Teen Dating Violence D2011	Assaultive, threatening, or controlling behavior, including stalking as is 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.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Mandatory Counseling 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification
Threat Terroristic Threatening – Student Victim D0901	A person threatens to commit any crime likely to result in death or serious physical injury, or 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 physical injury.	
<ul style="list-style-type: none"> ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling Referral

<p>Threat Terroristic Threatening – Staff Victim/Security Threat D0902</p>	<p>A person threatens to commit any crime likely to result in death or serious physical injury. 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 physical injury.</p> <p>Security threat – when a person makes a false statement or statements 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</p>	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian conference with school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian conference with school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian conference with school team to discuss intervention plan ○ Counseling Referral
<p>Tobacco Possession and/or Use D1401</p>	<p>The use and/or possession of tobacco products on school property (this includes e-cigarettes/vape pens).</p>	
<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral 	<ul style="list-style-type: none"> ○ Restorative Practices Intervention ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral

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

Violation	Definitions	
1 st Select from the Following	2 nd Select from the Following	Subsequent: Select from the Following
Aggravated Act of Intimidation – Staff Victim 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 amount of noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification
Aggravated Act of Intimidation – Student Victim 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 amount of noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ 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.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police/Fire Marshall Notification ○ Restitution ○ Recommendation for Counseling 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police/Fire Marshall Notification ○ Restitution ○ Recommendation for Counseling 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police/Fire Marshall Notification ○ Restitution ○ Recommendation 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 with criminal negligence the person causes physical injury to another person by means of a deadly weapon or dangerous instrument	
<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the

	school team to discuss intervention plan	school team to discuss intervention plan
Criminal Deadly Weapon C0601 – C0626 *See Appendix A	Includes a “firearm”, as defined in paragraph (13) of this section, a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, Billy, blackjack, bludgeon I, metal knuckles, slingshot, razor, bicycle chain, ice pick, or any “dangerous instrument”, as defined in paragraph (5) of this section, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan
Criminal Drug Offense 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.	
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Mandatory Drug/Alcohol Referral to Licensed Agency 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Mandatory Drug/Alcohol Referral to Licensed Agency 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Mandatory Drug/Alcohol Referral to Licensed Agency
Dangerous Instrument C0621-C0623 *See Appendix A	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 see C0616). 11. Del.C. 22 dangerous instrument means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury or any disabling chemical spray as defined in paragraph (8) of this section or any electronic control devices by not	

	limited to a neuromuscular incapacitation device designed to incapacitate a person.		
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan 	
Extortion C0141	Compels or induces another person to deliver property to the person or to a third person by means of instilling in the victim a fear that, if the property is not so delivered, the defendant or another will cause physical injury to another or cause damage to property (11. Dec.C., 846)		
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution 	
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).		
<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution/Restoration ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution/Restoration ○ Counseling Referral 	<ul style="list-style-type: none"> ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution/Restoration ○ Counseling Referral 	
Rape or Attempted Rape C0122 – C0125	Sexual intercourse and attempted sexual intercourse without consent of the victim in both cases.		
<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification 	<ul style="list-style-type: none"> ○ Alternative Placement Process ○ Police Notification 	<ul style="list-style-type: none"> ○ 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.		
<ul style="list-style-type: none"> ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Alternative Placement Process 	<ul style="list-style-type: none"> ○ Alternative Placement Process 	

<ul style="list-style-type: none">○ Parent/Guardian Conference with the school team to discuss intervention plan○ Counseling Referral	<ul style="list-style-type: none">○ Parent/Guardian Conference with the school team to discuss intervention plan○ Counseling Referral	<ul style="list-style-type: none">○ Parent/Guardian Conference with the school team to discuss intervention plan○ Counseling Referral
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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 member if needed) that identified 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 result of a severe or repetitive Code of Conduct violation(s) listed within the Code of Conduct 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 any alternative setting is appropriate for the referred student. The Alternative Placement Team will decide on whether to assign a student to an Alternative Placement Program.

If a Parent/Guardian chooses to appeal the Alternative Placement 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.

Business Day: A day in which schools are open with Administration present.

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 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 the 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.

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 a 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, and 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 behavior 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 and 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.

Appendix A: Weapons Code Definitions

Criminal Deadly Weapon: *The Commission by a student of an offense prohibited by 11 Del.C. §§ 1442 through 1458 inclusive. 11 Del.C. 222 defines “Deadly Weapon” as: includes a “firearm”, as defined in paragraph (13) of this section, a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, Billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any “dangerous instrument”, as defined in paragraph (5) of this section, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.*

C0601-WO:1442	Concealed deadly weapon - handgun
C0602-WO: 1442	Concealed deadly weapon – rifle, shotgun
C0611-WO: 1442	Razor Blade/box cutter
C0612-WO: 1457	Brass Knuckles, Bat, Club (Poss. Safe School Zone)
C0613-WO: 1442	Brass Knuckles/Bat/Club
C0614-WO: 1457	Pellet Gun (Poss. Safe School & Rec. Zone)
C0615-WO: 1457	Starter Gun (Poss. Safe School & Rec. Zone)
C0616-WO: 1457I	B.B. Gun (Poss. Safe School & Rec Zone)
C0617-WO: 1449	Wear Body Armor During Comm. Of Felony
C0618 -WO:1457	Handgun (Poss. Safe School & Rec. Zone)
C0619-WO: 1457	Rifle, Shotgun (Poss. Safe School & Rec. Zone)
C0620-WO: 1457	Destructive weapon (Poss.
C0624-WO: 1457	Unlaw. Dealing with Martial Arts Throw. Stars (Poss. Safe School and Rec Zone)
C0625-WO: 1448	Poss. & Purchase of Deadly Weapons
C0626-WO: 1457	Poss. & Purchase of Deadly Weapons (Poss. Safe School & Rec Zone)

Dangerous Instrument: *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 see C0616). 11. Del.C. 222 dangerous instrument means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury or any disabling chemical spray as defined in paragraph (8) of this section or any electronic control devices but not limited to a neuromuscular incapacitation device designed to incapacitate a person.*

C0621-WO: 1443	Dangerous Instrument
C0622-WO: 1338	Explosives/Incendiary Device
C0623-WO: 1453	Unlawfully Dealing with Martial Arts Throwing Star