

SMYRNA SCHOOL DISTRICT *POLICY*

Section:	5000 Students	Office Responsible:	Board of Education
Policy:	5113 Suspension & Expulsion, Out-of-School Conduct, Scope of Code		
Related Policies:	5100 Code of Conduct 5114 Procedure for Readmittance	Administrative Procedure:	N/A

I. Purpose

This policy provides information on the procedure that is followed by the Smyrna School District when a student is given out-of-school suspension and/or when a student is referred for alternative placement based on out-of-school conduct and/or code of conduct violation(s). This policy explains the process of the Alternative Placement Team Meeting for Alternative Placement and the Discipline Hearing for Expulsion.

II. Authority

Delaware Code, Title 14 § 614 Uniform Definitions for Student Conduct which May Result in Alternative Placement or Expulsion

III. Definitions

None

IV. Policy Statement

The Principal or School Discipline Committee of any building may suspend a student from school for a period of 1-10 days for infractions of rules, but may not exceed ten days. Such suspension will require that the parent return with the student on the day of readmission. A letter will be sent promptly to each parent explaining the cause and setting the date of re-entry.

- A. A Principal/Designee may refer a student for Alternative Placement for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the Student Code of Conduct and the student's behavior is within the defined conduct under *14. Del. C. § 614 Uniform Definitions for Student Conduct which May Result in Alternative Placement or Expulsion*.
- B. A Principal/Designee may refer a student for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of other within the School Environment pursuant to *14. Del. C. § 614 Uniform Definitions for Student Conduct which May Result in Alternative Placement or Expulsion*.
- C. The Code of Conduct shall also apply to out-of-school conduct reports in an

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Attorney General's Report 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.

Such out-of-school conduct shall include, but is not limited to:

- Acts of violence, which are punishable by law
 - Sexual offenses, which are punishable by law
 - The sale, transfer, or possession of drugs or drug paraphernalia, which would constitute an offense punishable by law
 - Felony charges
- D. A student may be referred in conjunction with chronic disruptive behaviors, which resulted in repeated violations of the student code of conduct after all specific identified school-based best practice interventions have been put into place for said student.
- E. Students ineligible as a result of an offense listed in *14. Del. C. § 613*. A student may be offered a virtual education setting via CDAP if available.
- F. Referral to a state-funded Consortium Discipline Alternative Program must also meet the criteria set forth in *14. Del. C. § 611 Consortium Discipline Alternative Programs for Treatment of Severe Discipline Problems*.

Student Referral for Alternative Placement Process

The following procedures shall be followed by Administrators when investigating a code of conduct violation that could result in a referral for alternative placement/expulsion in accordance with *14. Del. C. § 616*:

- A. The Principal/Designee shall conduct a preliminary investigation to determine if there is a reasonable basis to pursue disciplinary action. This investigation shall be complete within 3 school days of the incident.
- B. If the preliminary investigation verifies that disciplinary action may be warranted, initial due process procedures shall be followed including:

A student shall be afforded initial due process rights for discipline procedures which result in the removal of a student for one day or more from regular school program due to a violation of the school's student code of conduct. These rights shall be afforded prior to any removal of one day or more from the regular school program:

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- The student had prior opportunity to be informed in accordance with the established student code of conduct rules and/or regulations.
- Administrator shall inform the student, orally and in writing within three days at completion of the administrative investigation, of the allegations(s) against him/her, the conduct which forms the basis of the allegations(s), and the policy, rule, or regulation violated.
- The student shall be given an explanation of evidence supporting the allegation(s) and an opportunity to present his/her side of the story including any evidence.

*** Due Process Delay Provision:** 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, the initial due process procedures outlined in subsection 41. Of 616 are followed.

C. After the student has been afforded initial due process procedures, and if the Principal/Designee decides that disciplinary action will be taken, the student and parent/guardian shall be notified.

D. If the Principal/Designee decides that the disciplinary action should be a referral for an alternative placement, the Principal/Designee shall hold a Building Level Conference with the parent/guardian and the student. The conference shall be held by phone or in person. The Principal/Designee shall have at least one other person present to take notes during the conference or shall have the conference audio recorded. The Principal/Designee shall explain to the parent and the student the purpose of the meeting is to inform them:

1. Of the referral for alternative placement;
2. That the student may be suspended pending the outcome of the *Alternative Placement Team Meeting*; and,
3. Of the procedures that will take place as a follow-up to the referral for alternative placement.

Alternative Placement Team Meeting

A. The Principal/Designee will notify the School Climate and Safety Supervisor of the referral for alternative placement once the decision is made to refer to Alternative Placement. *An Alternative Placement Team Meeting will be scheduled and conducted pursuant to 14. Del. C. §616 Uniform Due Process*

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Procedures for Alternative Placement Meetings and Expulsion Hearings: 7.0 Assignment to Alternative Placement; 7.3 Alternative Placement Meeting for Districts/Charter Schools.

- B. The student may be placed on short-term suspension pending an alternative placement process during this time period. A copy of the referral that includes the code of conduct violation must be provided to the student/ family. The Superintendent (or designee) must approve any OSS over 5 days. If the student will be OSS for more than 10 days, homebound should be set up.
- C. An Alternative Placement Team Meeting shall take place to determine if an alternative setting is appropriate for a referred student. The scheduling letter will be mailed regular and certified by the Central Office to the student and family at least 5 business days before the meeting is to occur. The family can waive the 5-day notice by signing the waiver prior to the meeting starting. The Principal/Designee must call the family and advise them of the date, place, and time of the meeting and should document this verbal communication.
- D. The Parent and student shall be informed of the district/charter school APT's decision for placement within one (1) business day of the meeting. If a decision is to assign a student to an alternative placement, the District shall send a follow-up written notice within (3) business days to the parent describing the circumstances that led to the placement, identifying the alternative program to which the student is being assigned, and the conditions which must be met in order for the student to return to the regular school program.

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 the 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.

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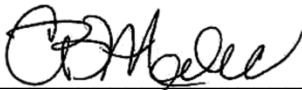
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- The sale, transfer, or possession of drugs and drug paraphernalia, which would constitute an offense punishable by law.
- Felony charges.

If a student with a disability, as defined by Federal and State law and regulations, is recommended for a disciplinary removal from school for more than ten (10) school days, either consecutively or cumulatively, in any one school year, or in an alternative placement or expulsion is being recommended, a meeting of the student's IEP or Section 504 shall be conducted.

**Italics indicate Delaware Regulation Administrative Code Title 14 wording*

Board Approval Acknowledged by:



Christine Malec, President
Smyrna School District Board of Education

Policy Actions

Adopted: 11/04/2004
Revised: 08/17/2022
09/18/2024