

SMYRNA SCHOOL DISTRICT

PROCEDURE

Section:	5000 Students	Office Responsible:	Human Resources
Procedure:	5100 Grievance Procedure		
Related Policies:	5100.1 Student Code of Conduct – Elementary 5100.2 Student Code of Conduct – Intermediate 5100.3 Student Code of Conduct - Secondary		

I. Purpose

To set forth the process to challenge school suspension/alternative placement team decisions.

II. Authority

Delaware Code, Title 14 § 616

III. Definitions

Grievance: A formal complaint filed per specific district procedures, to school administration regarding a student’s rights or liberty interests having been denied or impaired.

IV. Procedure Statement

1. Disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the following reasons:
 - a. Inappropriate due process
 - b. Incorrect consequence per the Code of Conduct
 - c. Incorrect charge or charge not supported by substantial evidence

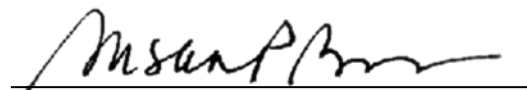
2. Upon initiation of the appeal process, penalties shall not be implemented until the student ceases or exhausts their appeal. This “stay-put” provision does not apply in the following cases:
 - a. If the student is being suspended as a first step in the Alternative Placement Process.
 - b. If the student has been charged with a criminal offense for an act committed outside of school.
 - c. 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.

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3. 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.
4. 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 to and why to the appropriate administration level.
5. 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.
6. 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.
7. The Superintendent or designee shall schedule a conference (either in-person, virtual, via 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.
8. The determination of the Superintendent's Office shall be the final decision of the school system. A copy of the Superintendent's Office's final determination shall be sent to all involved parties no later than five (5) business days following the date of the conference.

Approval Acknowledged by:



Susan P. Brown, *Ed. D.*, *CSBA*
Superintendent of Schools

Procedure Actions

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Adopted:

Revised:

Order of indents

- I. Purpose, Authority, Definitions, Policy Statement
 - a. Small letter
 - i. Small number alignment
 1. Numerical
- Use bullets when there is a list