



Introduction to Mandatory Reporting & Discipline

2019-20 School Year



Delaware
Department of Education

Agenda

Introduction

- Climate & Discipline
 - Function, history and impacts

Regulation Review

- Review key 600 series regs
 - Key items in each and application.
 - Legislative Impacts
 - Application of regs.

Decision Making & Reporting

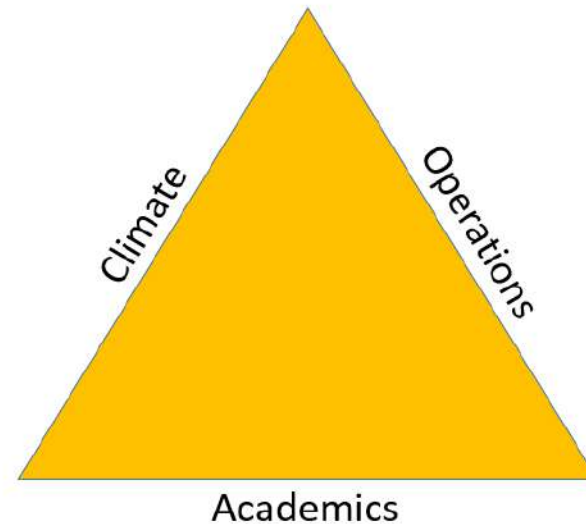
Section 1

INTRODUCTION

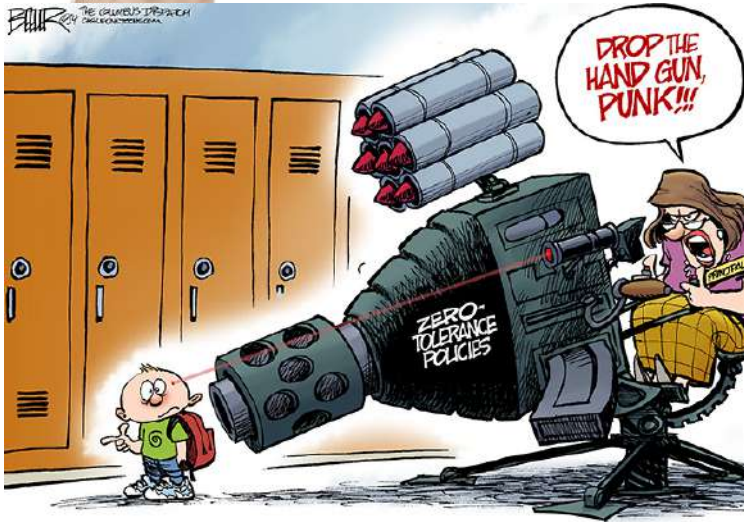


Climate & Discipline

- What is school climate?
- Three parts of a school.
 - Academics
 - Operations
 - Climate
- Each part impacts the others!



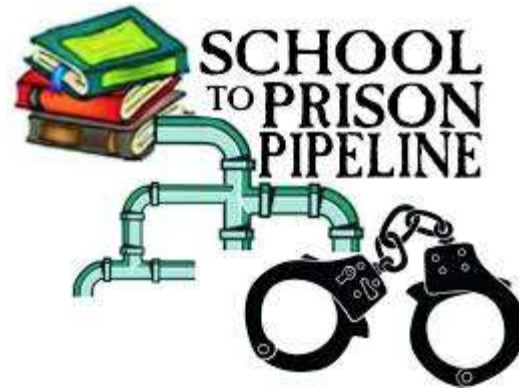
History



- 1994 Zero Tolerance is born. Law and Order!
- Unintended consequences.
- Loss of all discretion.
- Did it keep up with the times?

School to prison pipeline

- It does not mean kids go to jail for a school crime.
- It began after a study found that a student suspended or expelled was 3X more likely to enter the juvenile justice system the following year.
- Does it exist? Yes, the data shows it, but does not tell the whole story.



Changing times require change



- Research and science help change the way we view discipline.
- We were holding kids to a higher standard than they had the capacity to achieve.
- Tolerance and society has changed!
- New data and research resulted in changes in the nature of charges and age restrictions etc.

Outside views of what we do

- Outcomes are viewed differently.
- Schools must weigh individual student rights against public safety. (NCLB?)
- Requires a deeper understanding.
- Easier access to information and deeper scrutiny.



Section 2

REGULATIONS



The Key Regs.

- 600 series covers climate & discipline.
- [School Climate Reg Page](#)
- Make it a favorite and check it often!

Student Conduct & Discipline Laws/Regulations

Delaware Code

Title 14 - Education

[Chapter 7 - Lawful Authority of Teachers over Pupils](#)

[Chapter 16 - Comprehensive School Discipline Improvement Program](#)

[Chapter 27 - School Attendance](#)

[Chapter 31 - General Regulatory Provisions](#)

[§4112 Reporting School Crimes](#)

[§4130 Expulsion of students; Re-enrollment; Loss of driver's license](#)

Administrative Code

Title 14 - Education

[600 Discipline and School Climate](#)

[603 Compliance with the Gun Free Schools Act](#)

[605 Student Rights and Responsibilities](#)

[609 District and School Based Intervention Services](#)

[610 Limitations on Use of Exclusion and Restraint](#)

[611 Consortium Discipline Alternative Programs for Treatment of Severe Discipline Problems](#)

[612 Possession, Use or Distribution of Drugs or Alcohol](#)

[614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion](#)

[616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings](#)

[Grievance Guidelines for 14 Del. Admin. Code 616](#)

At a minimum, any process used for internal appeals and grievances required by 14 Del. Admin. Code 616 shall include the following:

*A description of basic due process and appeal rights

*The appeal or grievance may be brought by the student or his parent or both

*The position of the school or district staff member who will address the appeal or grievance at each level of the process shall be identified; the final decision-maker shall also be identified

*At each step of the process, the appeal or grievance shall be in writing, shall specify what decision is being appealed or grieved and why, and shall be filed within three (3) school days of the action being appealed or grieved

*At each step of the process, the appeal or grievance shall be addressed during a conference with the student and his parents by the school within five (5) school days of its receipt and a written determination shall be issued within five (5) school days of the conference

[800 Health and Safety](#)

[877 Tobacco Policy](#)

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601 Police & Schools

- A student, school volunteer, or a school employee, has been the victim of:
 - 1. A violent felony,
 - 2. An assault III, or
 - 3. An unlawful sexual contact III
- Covers mandatory reporting to DOE AND Law Enforcement.
- REMEMBER: A report is NOT a mandatory arrest!
- Must notify Law Enforcement of a crime immediately via phone and within 3 working days in writing.
- Notify DOE within 5 working days.
- Remember, if there is an arrest, E-School must reflect at least the criminal charge, or more severe.

These are ALL mandatory reports.

DE Administrative Code 601-6.0

Schools and Law Enforcement Agencies

“D” Code Offenses

In addition to those school crimes required to be reported pursuant to statute, the Superintendent or designee of each LEA, shall report (eSchool), to the Delaware Department of Education the following incidents of misconduct:

Pornography, possession, & production
Criminal Mischief (vandalism)
Tampering with public records
Alcohol, possession and/or use
Felony Theft (\$1,500 or more)
Bullying (alleged & substantiated)
Fighting/disorderly conduct
Terroristic Threatening
Sexual Harassment
Offensive Touching
Inhalant Use
Drug Paraphernalia

Assault III by a student under 12
Unlawful Sexual Contact III
by a student under 12
Teen Dating Violence
Drug Use/Influence

603 Gun Free School Zone

- Required by federal law.
- Changed in 2017 to remove mandatory expulsion for weapons, except a firearm.
- Other deadly weapons are expellable at the discretion of the District or charter.



605 Student Rights & Responsibilities

- Requires LEAs to have policies on student rights and responsibilities.
- Distributed and explained to students each year and new enrollees.
- Must be posted on website.
- Updated copy to DOE each year. In order to meet this requirement, DDOE links to your code of conduct via your district/charter website.

608 Unsafe School Choice



- Also required by federal law.
- Two parts:
 - Opens the school to choice if there are excessive violent crimes reported: 5 violent offenses per every 100 students. (For three straight years)
 - Victims of a violent crime **MUST** be offered the right to choice to another safe school.
- Monitor your data! Make sure you are documenting correctly. When in doubt, ask it out!

608 Unsafe School Choice

- **How can my school be designated as “persistently dangerous?”**
 1. Having five or more unsafe incidents for every one hundred students enrolled for three consecutive fiscal years. “Unsafe incidents” include:
 - The school suspended or expelled a student for a gun free schools violation; or
 - The school suspended or expelled a student for a crime committed on school property which is required to be reported under 14 **Del.C.** §4112; or
 - The school reported a crime committed by a non student on school property that is required to be reported under 14 **Del.C.** §4112; or
 2. Purposefully not reporting mandatorily reportable offenses including C or D offenses or suspensions/expulsions.

610 Restraint & Seclusion

- Cannot use “seclusion”
- Restraints must be documented and parents notified the same day or no later than 24 hours later.
- Don't forget SRO training requirements.



610 Restraint & Seclusion

Annual SRO Training to include:

- Potentially include Constables!
- Disability awareness/behavior manifestations
- De-escalation techniques in school setting
- Current intervention techniques used by staff
- Other training as necessary

School rep must meet w/SRO each year

611 Alternative Programs



- Addresses the correct use of Consortium for Discipline Alternative Programs (CDAP)
- Programs in each county, supported by state and local funds.
- For students who have committed expellable offenses or serious crimes (EXCEPT : Assault 1, Possession of a weapon, Arson 1st and 2nd, Rape 1st, 2nd, 3rd or 4th, Trafficking in illegal drugs.)

612 Possession, Use, Distribution of Drugs/Alcohol

- Make sure all confiscated contraband is sealed, labeled, and stored in a locked compartment (school safe is best).
- Inhalers/Epi Pens/**Insulin pumps** are OK with written parent permission.
- Be sure your policies are on file with DOE (usually in code of conduct). Access via website is OK.
- Explain to students each year and new enrollees.

613 AG's report processing

- Only Supt. / Designee can receive.
- Must be reviewed within 3 school days.
- Must be acted on immediately.
- Cannot be distributed.
- Remember, an arrest is NOT a guilty or



614 Uniform Due Process Definitions



- Provides a comprehensive list of offenses and the definitions that **MUST** be used in your code of conduct if these charges are being used for expulsion or CDAP Placement Due Process.

616 Uniform Due Process

- Creates the critical timeline for ALL discipline due process proceedings, including alternative placement hearings.
- Provides direction on who must attend hearings and who can conduct hearings.
- Provides appeal process.
- This is where most appeals to the State Board can be found.
- Use the [Due Process Calculator](#) as a resource.



624 Bullying & Cyber Bullying



- Requires each SCHOOL to have a policy against bullying and cyberbullying.
- Defines cyberbullying, requires an update reminder to students annually.
- Includes a reasonableness statement.
- Notes the issue must be investigated if it reasonably may impact a students ability to learn! (Record the allegation!)
- Remember to use a different lens to look at these cases! Better to err on the side of caution.

Key Legislative Change

- Looks at disproportionate discipline practices.
 - What we are calling it: School Discipline Improvement Program.
 - Threshold now goes to 15% from 20%
- Bill looks at two different metrics:
 - Gap in discipline between any two groups (i.e. percentage of one race of student disciplined compared to another.)
 - The rate of suspension for different classes of student (more than 15 per 100 students in a sub group)
 - 3 year time frame. (must exceed any metric for three years straight AND will be identified as exceeding until identified metrics fall below the thresholds for three years. (6 year cycle if identified!)



SDIP Measures

- Consequences reported:
 - Expulsion
 - Alternative Placement
 - Out of school suspension
 - *In school suspension (reported on but not used for calculations.)*
- Racial subgroup
 - African American
 - American Indian
 - Asian American
 - Native Hawaiian
 - Hispanic
 - White
 - Multi
- ESSA subgroups
 - Economically disadvantaged
 - Students with disabilities
 - English Language Learners



How did we do in Year 1?

	Demographic	Enrollment		Out-of-School Suspensions	
		Students	Rate	Students	Rate
All Students	All Students	146683	100.00	11188	7.63
Gender	Female	71210	48.55	3777	5.30
	Male	75481	51.46	7411	9.82
Race/Ethnicity	African American	45112	30.75	6476	14.36
	Native American	630	0.43	41	6.51
	Asian American	6111	4.17	92	1.51
	Native Hawaiian/Pacific Islander	187	0.13	10	5.35
	Hispanic/Latino	26313	17.94	1503	5.71
	White	62854	42.85	2615	4.16
	Multi-Racial	6063	4.13	463	7.64
Special Populations	Active EL Students	14719	10.03	606	4.12
	Students with Disabilities	25615	17.46	3695	14.43
	Low-Income	49102	33.47	6301	12.83

How NOT to be identified!

- Make defensible decisions in each and every case!
- Review what you know from every angle.
- Always remember why Lady Justice is blindfolded!!!



What happens if you are identified?

- Review discipline practices, policies and data
- Review restorative justice practices to assure fidelity
- Submit plan to DDOE on reducing exclusionary discipline practices for school or particular subgroup
 - Stakeholder input required
 - Increased or improved PD including trauma informed practices, restorative practices, implicit bias, cultural competency, classroom management
 - Plan must be board approved and posted on school website
 - Submit progress report to the DDOE and post on school website by October 30th of each year
 - Must continue with improvement plan until 3 consecutive years of not meeting any threshold

Annual Reg Review

- Make sure you review the key Regs annually. Even if it is just a refresher!
- Keep the Dept. in the loop!
 - We need a copy of the Code of Conduct each year (link to website, not hard copy)
 - Copy of the Bullying and Cyberbullying policy.
 - Contact for Discipline reporting in each school.



Key take away



- Keep the Regs handy for review and use.
- Document everything.
- Remember the reporting windows
- **3 days for a written crime report and AG report follow up.**
- **5 days for bullying allegations and DOE reporting!**

Section 4

DEFENDABLE DECISION MAKING & REPORTING



Review your decisions before making them!



- Use a different lens to look at each incident?
- Remember that other folks will review your decision.
- If they were given the same circumstances, what conclusion would they come to?
- Have a mentor review your thought process, in case you miss something (just not the District Hearing Officer!)



A quick look at trauma informed discipline



- Just something to think about!
- Discipline is about our mindset, not just the students.
- We are changing the way we ask questions:
 - It is not “what is wrong with you?”
 - We ask, “what happened to you?”

Discipline starts in the classroom!

- As a new building administrator, what tone are you setting for the faculty?
- Does the staff have an expectation of how you want them to maintain their classroom management? The view of classroom mgmt. from a seasoned middle school teacher!
- Would the team benefit from Trauma Training? Would YOU benefit from knowing your kids better?



A word cloud graphic tilted diagonally. The words are arranged in a way that 'Classroom Management' is the most prominent, with 'Classroom' in large dark letters and 'Management' in large yellow letters. Other words include 'Students', 'Support', 'Building Teamwork', 'Positive Consequences', 'Inclusive Skill', 'Predictable Social Relationships at', 'Risk', 'Collegial', 'Expectations', 'Development', 'Collaborative', 'for', 'with', 'Creating', and 'Organization'.

So you have to suspend someone!

- Remember to use Due Process.
- Always include the right to appeal at every level of the process.
- Stay within the timeline.



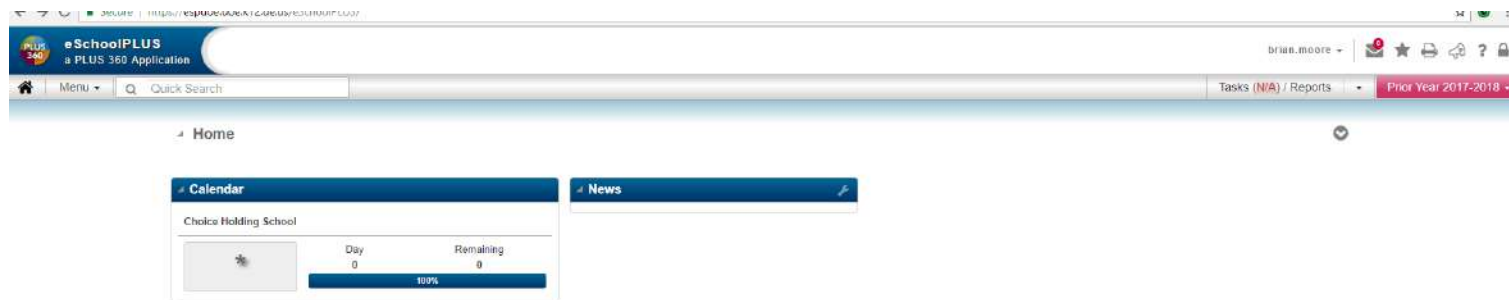
Document everything!



- Take good notes (electronically if possible!)
- It may be years before you go to court for an incident, your memory depends on your notes!
- Your notes will help someone to understand what you were thinking when you made a key decision.

Now onto reporting incidents

- We will review the three most common SC&D entries:
 - Alleged Bullying
 - Restraint Report
 - Incident Reporting



Reporting Bullying

Alleged Bullying – Report using DOE screen *Alleged Bullying Victim* under the Registration > Student District Defined folder in eSchool. There is no code to enter.

Substantiated Bullying – Report by entering an Incident Detail in the eSchool Interventions screen. Enter code D0701 – Bullying. Click here to see improperly coded substantiated bullying incident

NOTE: Selecting a reason for the bullying is required by law. Do this in the “Incident Related To” section of the Incident Detail report.

Reporting Bullying

- When bullying report is received, must supply DE Department of Justice form letter regarding School Ombudsperson (including contact info) and the guardian's right to know that report has been made to DDOE.
- Must notify the guardians of all students involved when an alleged bullying report or substantiated bullying report is made to the DDOE.

Bullying Definition

(1) “Bullying” means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have **any** of the following effects:

- a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student’s, volunteer’s, or employee’s emotional or physical well-being or substantial damages to the student’s, volunteer’s, or employee’s property.
- b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target.
- c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
- d. Perpetuate 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 district or charter school volunteer, or school district or charter school employee.

Reporting Teen Dating Violence

Report using eSchool discipline screen. Add code of D2011 (Teen Dating Violence) to Offender Offense Category in addition to the original code entry. Original code entries will most likely involve:

- Sexual touching related incidents
- Sex offenses
- Sexual harassment
- Assault or offensive touching
- Terroristic threatening
- Abusive language
- IB: Disrespect of a student

Reporting Restraint or Seclusion

This is a separate report from a reported discipline incident.

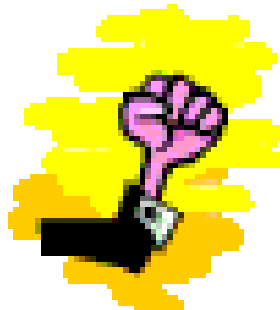
Report using DOE screen *DOE Restraint/Seclusion Reporting* under the Registration > Student District Defined folder in eSchool. There is no code to enter.

Physical fights in which a student is restrained must be reported in addition to other acts of student physical restraint.

Any student (regular or special education) physically restrained by school personnel must be reported to the DDOE within 72 hours of the restraint occurring. Persons responsible for entering this report must also complete additional 30 minute training available through PDMS. Search key word “restraint” to find course.

Suspension and Expulsion Reporting

Every student **suspended in or out of school** or **expelled** must be reported to the Department of Education in an Incident Detail via the Interventions section in eSchool Plus.



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Suspension and Expulsion Reporting

IMPORTANT!

****Students expelled or alternatively placed must be coded as such IN ADDITION TO the original suspension entry.****

“C”, “D” and “S” Code Offenses

- “C” code offenses are mandatory reportable crimes that are required to be reported to the DDOE using appropriate code regardless of consequence. Probable cause for arrest of behavior that meets definition must be reported as “C” offense. However, arrest is not required.
- “D” code offenses are DDOE Regulation 601 offenses that are required to be reported to the DDOE using appropriate code regardless of consequence. Behavior that meets definition must be reported as “D” offense.
- “S” code offenses are non “C” or “D” school level offenses that resulted in a suspension or expulsion. “S” codes are not to be used in lieu of a “C” or “D” code

Common Data Entry Issues

The top 5 most common errors are:

- Offender (Student ID) missing.
- Student not Enrolled in the building – the equivalent of offender missing
- No Action code for DOE reportable offenses
- Invalid Incident Date
- Invalid Duration for Suspensions/Expulsions (Tab 11) – of which there are a lot fewer than last year.

Now what?

- If you have any questions, please reach out!
- Follow the Regs and work with your D.O. Team.
- Make good decisions (good for you, the students and the school!)
- Welcome to the new school year!



Questions?

BRIAN.MOORE@DOE.K12.DE.US

OFFICE: 302-857-3358



Incident Summary

Number: 40706

Offense Category: Code of Conduct violation: On school property

Date: 1/8/2015

Building: [REDACTED]

Offense:

Time: 5:10 PM

Search

List

New

Quick Entry

Location: 15 - Locker/Locker Room

Reported By: Staff 726027

Reported to Police: ☐

Reported To: 15 - Discipline Staff

Description:

[REDACTED] was involved in the recording of a locker room incident that occurred before basketball practice which involved another athlete being bullied.

Notes:

Based on description this incident is not properly coded as bullying! It was also recorded twice.

Offender	Contacts	Student	Offense Category	Offense	Actions	Notes
[REDACTED]	Contact	<input checked="" type="checkbox"/>	Code of Conduct violation: On school property	None	08 - Suspension - In School	

Name	Contacts	Student	Victim Type	Category	Actions	Notes
No victim information has been entered for this incident						

Name	Contacts	Student	Witness Type	Notes
No witness information has been entered for this incident				

Incident Summary

Number: 42397

Offense Category: 0611 Assault III

Date: 7/26/2015

Building: [REDACTED]

Offense: Police and Victim Information are Required

Time: 11:00 AM

Search

List

New

Quick Entry

Incident Detail

Location: 06 - Hall / Stairway

Reported By: Staff 113111

Reported to Police: ☒


Reported To:

Description:


DOE Test Scenario - Sadowski
Student A and his girlfriend were arguing in the hallway when Student A punched his girlfriend saying "Don't you ever talk to another boy again!"

Notes:

Offenders

Offender	Contacts	Student	Offense Category	Offense	Actions	Notes
[REDACTED]	Contact	<input checked="" type="checkbox"/>	0611 Assault III Teen Dating Violence	Police and Victim Information are Required	None	

Victims

Name	Contacts	Student	Victim Type	Category	Actions	Notes
Victim, Confidential	No Contact	<input type="checkbox"/>	Student	01 - Injured	N/A	

Witnesses

Name	Contacts	Student	Witness Type	Notes
No witness information has been entered for this incident				

Search

List

New

Quick Entry

Incident Summary

Number: 91160

Offense Category: Report: Attorney General

Date: 3/27/2015

Building: [REDACTED]

Offense:

Time: 2:00 PM

Search

List

Location: 12 - Off School Grounds Non-School Function

Reported By: Staff 049622

Reported to Police: ☐

Reported To: 05 - Principal / Asst. Principal

Description:

Attorney General's report

Notes:

Offender	Contacts	Student	Offense Category	Offense	Actions	Notes
[REDACTED]	Contact	<input checked="" type="checkbox"/>	Report: Attorney General	None	10B - Suspension - Out of School with Services	
[REDACTED]	Contact	<input checked="" type="checkbox"/>	Report: Attorney General	None	10B - Suspension - Out of School with Services 07B - Expulsion with Services	
[REDACTED]	Contact	<input checked="" type="checkbox"/>	Report: Attorney General	None	10B - Suspension - Out of School with Services 07A - Expulsion with CDAP Placement	