



Introduction to Mandatory Reporting & Discipline

Summer 2018

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

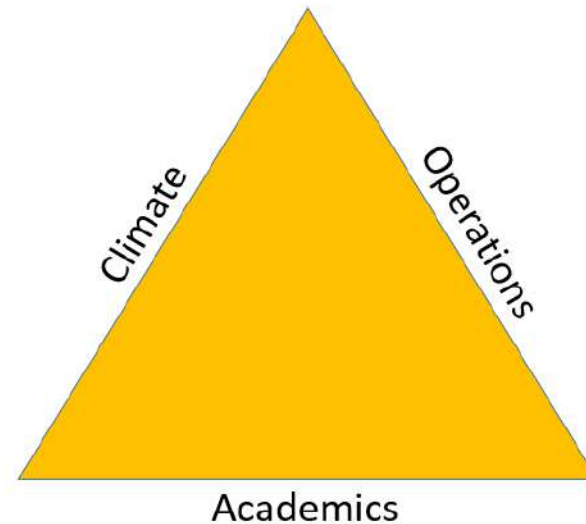
Section 1

INTRODUCTION



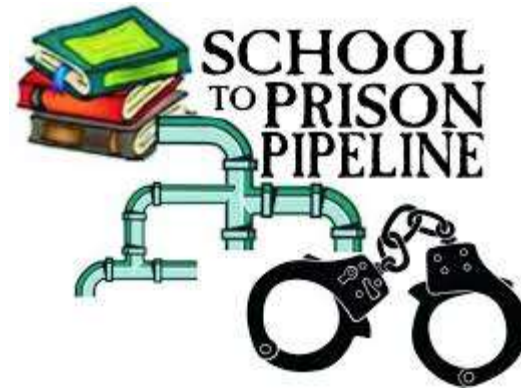
Climate & Discipline

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



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 41 - General Regulatory Provisions](#)

[§412 Reporting School Crimes](#)

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

Administrative Code

Title 14 - Education

[Subchapter 1401 - School 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](#)

[§77 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 the E-School code must be at least the same level offense.

These are ALL mandatory reports.

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.



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!

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.)

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.



Key Legislative Changes

- SB 85 (Senate Sub 1 as amended) passed and was signed.
- Looks at disproportionate discipline practices.
- What we are calling it: School Discipline Improvement Program.
- 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 x 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!))



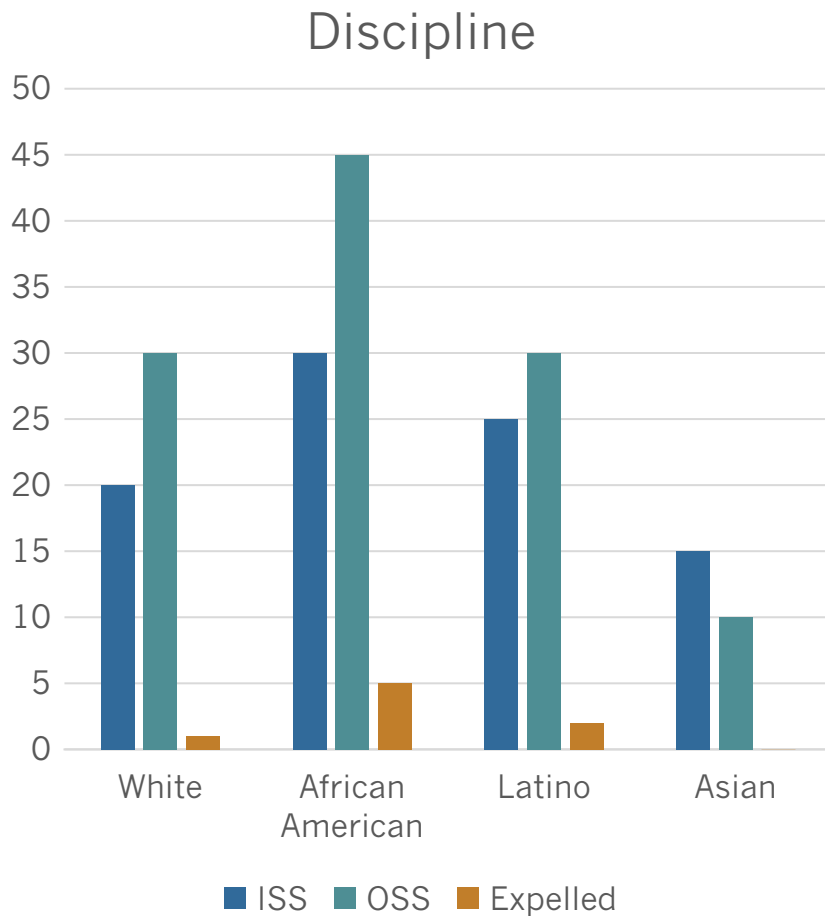
SB 85 metrics

- 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

Sample



- Populations:
 - White: 200
 - African American: 300
 - Latino: 100
 - Asian: 100
- Metrics:
 - 20 per 100
 - 20% gap

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!!!



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.



BACK
TO
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 3

SPEAKING OF THE OMBUDSMAN



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?



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.



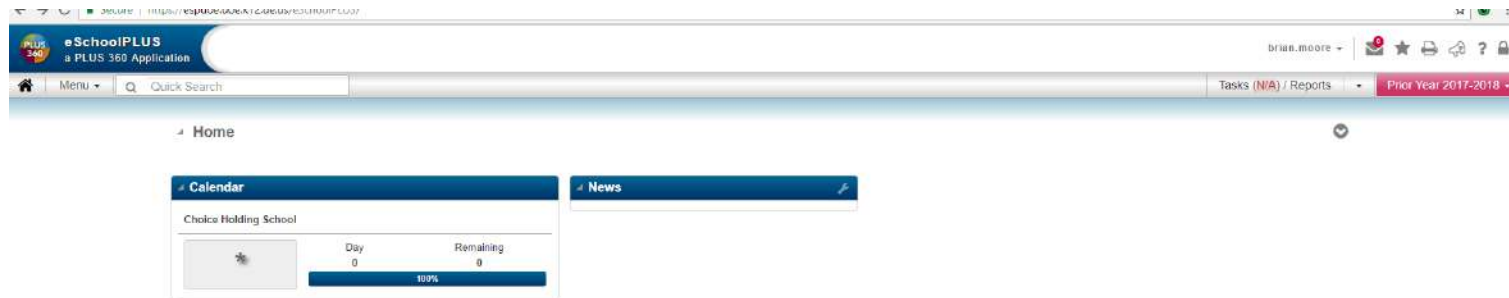
Document everything!



- 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



Now what?

- If you have any questions, let me know?
- Follow the Regs and work with your D.O. Team.
- Ask questions!
- Make good decisions (good for you, the students and the school!)
- Welcome to the new school year!



Questions?

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