



# Delaware Department of Education School Climate & Discipline Program Regulation Review & 2016-17 Updates

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**735-4210**



**Delaware**  
Department of Education



**All DDOE School Climate & Discipline Regulations can be found at the following website:**

**<http://www.doe.k12.de.us/domain/156>**



**Delaware**  
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# 601 Schools & Law Enforcement Agencies

- Review your MOU with participating police agency every three years.
- Requires certain (additional) conduct offenses to be reported to DOE.
- Advise school employees each year and new hires of their duty to report school crime.
- Failure to report mandatory school crime offenses could lead to your school being classified as “persistently dangerous” by DOE.
- Police questioning of students (part of MOU)

# 603 Gun Free Schools Act

- Prohibits firearms on school property.
- Requires written policy implementing GFSA.
- Mandatory expulsion for GFSA violation.
- You must notify DOE of any modification to the duration of a student expulsion for a firearms offense.
- Requires electronic copy to DOE (access via website is acceptable).
- To receive ESSA assistance you must submit assurance statement and description of expulsions

# 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 Option

- If your school is designated as “persistently dangerous” school due to unsafe incidents on campus or non-reporting of mandatory offenses, you will have to:
  - Allow students to choice to a “safe” school in the district.
  - Develop a plan and timeline for informing guardians that your school has an unsafe status. You must include the procedures for transferring to another school. Must include plan for corrective actions
- Victims of a violent felony on school property/function shall be given the opportunity to transfer to another safe school in the district.

# 608 Unsafe School Choice Option

- **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
    - The school suspended or expelled a student for terroristic threatening as that term is defined in 11 **Del.C.** §621. **This does not include bomb threats in which the offender is unknown.**
  2. Purposefully not reporting mandatorily reportable offenses including C or D offenses or suspensions/expulsions.

# 608 Unsafe School Choice Option

## What are the mandatorily reportable offenses?

- **14 Del Code §4112**

- Violent Felonies
- Assault III
- Unlawful Sexual Contact III
- Any of the above offenses or any sexual offense involving a staff member and student regardless of where it took place
- Weapons Possession
- Drug Possession

- 14 Del Admin Code 601

- Bullying (Alleged & Substantiated)
- Offensive Touching
- Terroristic Threatening
- Criminal Mischief (Vandalism)
- Felony Theft (\$1500+)
- Alcohol Use/Possession
- Drug Use/Influence
- Pornography
- Tampering w/Public Records
- Sexual Harassment
- Fighting
- Inhalant Use
- Drug Paraphernalia
- Tobacco Use/Possession
- Medications (Inappropriate use/possession)
- Teen Dating Violence



# 608 Unsafe School Choice Option

- **Remember..... Regardless of the offense level (criminal, DOE, or school), any resulting suspension, expulsion, or removal from the regular classroom setting for one day or more is a required report to the DDOE. This includes alternative to suspension programs, SBI and alternative placements.**

# 610 – Restraint & Seclusion

- Regulation a result of SB 100 which was passed in 2013.
- Sets standards for physically restraining a student when permissible. (Dos & Don'ts)
- Prohibits mechanical restraint and seclusion except when waiver has been approved by Secretary of Ed for an individual student.
- Prohibits chemical restraint.
- Defines the above terms as well as others such as public school personnel and timeout.

# 610 – Restraint & Seclusion

- This does NOT regulate law enforcement
- Timeout is NOT the same as seclusion
- Physical restraint can only be imposed by personnel who are trained in non-violent restraint techniques. However, there are exceptions such as breaking up a fight.
- Waiver process and procedures for mechanical restraint & seclusion
- Required Reporting of restraint (or seclusion) incidents

# 610 – Restraint & Seclusion

- Report made through eSchool custom screen titled DOE Restraint/Seclusion Reporting
- Staff making report must receive training every three years on how to report incidents
  - Training is web-based and offered through PDMS
- Requires personal guardian contact within 24 hours of action (in person, phone, vmail, email)
  - Cognos [report](#) in letter format is available to send to guardian once report is entered (required to be sent)

# 610 – Restraint & Seclusion

“Physical restraint” means a restriction imposed by a person that immobilizes or reduces the ability of a student to freely move arms, legs, body, or head.

“Physical restraint” does not include physical contact that:

- helps a student respond or complete a task;
- is needed to administer an authorized health-related service or procedure; or
- is needed to physically escort a student when the student does not resist or the student’s resistance is minimal.

# 610 – Restraint & Seclusion

“Seclusion” means the involuntary confinement of a student alone in a room, enclosure, or space that is either locked or, while unlocked, physically disallows egress. The use of a “timeout” procedure during which a staff member remains accessible to the student shall not be considered “seclusion.” (Authority: 14 **Del.C.** §4112F(a)(5))

# 611 Consortium Discipline Alternative Programs (CDAP)

- An administrator cannot arbitrarily “administratively place” a student in a CDAP (a.k.a. Alternative) program.
- You must have an Alternative Placement Team in place to decide on the student placement.
- If an expelled student is not placed in a CDAP, you must send written notice within five days to DOE stating the reason why and include the age, race, and SPED status of the student. This includes those students expelled with some other type of service other than a CDAP.

# 611 – Updates/Reminders

- Correct reporting is done through the eSchool discipline tracker, not the attendance tracker.
- Students placed in a CDAP program, but not expelled must be coded as 10A – Suspension – Out of School w/CDAP Placement.
- Students placed in a CDAP program due to expulsion must be coded as 07A – Expulsion w/CDAP Placement.
- You must include duration.



# 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 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.

# 612 Possession, Use, Distribution of Drugs/Alcohol

- Requires mandatory suspensions for first offenses:
  - Use/Impairment. Suspend from 1 to 10 days. May AP for up to 10 days.
  - Possession. Suspend from 5 to 10 days.
  - Possession w/Intent to Deliver. Suspend 10 days. May expel.
- Second offense may be expelled for remainder of year or alternatively placed.

# 612- Updates/Reminders

- Use eSchool code D0502 (Drug Use/Influence) for a student under the influence of an unlawful controlled substance, but not in possession of said substance. Use multiple codes if under the influence and in possession.
- Use eSchool code D0501 (Alcohol Possession and/or Influence) for students under the influence of alcohol and/or possessing alcohol.

# 614 – Common Conduct Definitions

- Provides uniform definitions of student conduct which MAY result in expulsion or AP
- It does not require expulsion or AP of a student for these offenses
- Requires that LEAs adopt the definitions in their code of conduct beginning 2014-15
- If expulsion or AP is not a possible consequence in your LEA, then the definition does not necessarily have to be used, but is recommended to be.

# 614 – Common Conduct Definitions

- Link to regulation must be printed in code of conduct:  
<http://regulations.delaware.gov/AdminCode/title14/600/614>
- Paper copy or regulation must be provided upon request.

# 615 – Attendance

- Adopt attendance policy in accordance with Delaware Code
- Distribute and explain to students each year as well as new enrollees
- Post policy on-line and notify guardians in writing how it can be accessed
- Electronic copy on file with DDOE
- Updates to DDOE within 90 days

# 616 – Common Due Process

- Coming Soon!
- Recently went through second public comment period and DDOE is in process of reviewing.
- Standardizes process for expulsion hearings and alternative placements.
- Training will be forthcoming when regulation is final.

# 621 - Emergency Preparedness Plans

- This regulation has been repealed due to the Omnibus School Safety Act.



# Omnibus School Safety Act

- Plans shall be consistent with the Emergency Preparedness Guidelines developed by DSHS.
- Once a year: Practice at least two lockdown/intruder drills AND conduct at least 1 tabletop exercise.

# Omnibus School Safety Act

- "Tabletop exercise" means a discussion-based critical incident or emergency event exercise involving key personnel comprised of first responders, emergency management personnel, school officials or other individuals where simulated scenarios are discussed in an informal setting.
- Your Comprehensive School Safety Plan (CSSP) information is to be maintained in the Emergency Response Information Portal (ERIP). Exercises and drills are to be documented under the drill list.
- Questions should be directed to DSHS Project Managers, Evelyn Brown or Willie Patrick at [evelyn.brown@state.de.us](mailto:evelyn.brown@state.de.us) or [willie.Patrick@state.de.us](mailto:willie.Patrick@state.de.us)

# 624 Cyberbullying Policy

- Required policy language which LEAs were to have adopted by June 15<sup>th</sup>, 2013. Includes:
  - Prohibition of cyberbullying
  - Definition of cyberbullying
  - Inform students of mediums where posting of speech will be presumed to be available to a broad audience within the school community regardless of privacy settings. Facebook, Twitter, MySpace, YouTube, and Pinterest shall be included in each district's and charter school's list of mediums.

[http://en.wikipedia.org/wiki/List\\_of\\_social\\_networking\\_websites](http://en.wikipedia.org/wiki/List_of_social_networking_websites)

# 624 - Cyberbullying Policy

- Sample social media statement:

*Social media refers to any electronic outlet of communicating with another person. The following social mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings, shall include: Facebook, Twitter, MySpace, YouTube, Snap Chat, Instagram, Pinterest, Secret, YikYak, or similar type of social media applications. This list is NOT considered exclusive and any social media outlet or electronic communication, such as email, texting, instant messaging, which allows for communications that may be viewed by the intended victim shall be considered as an electronic medium for the purposes of enforcing the electronic bullying aspects of the XYZ School District Bully Prevention policy. Internet sites such as “blogs” which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.*



# Items of Interest and/or discussion

Suicide Prevention Policy/Training  
MOU Updates  
Legislative Updates  
Bullying Reporting  
eSchool Updates/Reminders  
PDMS Trainings



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# Suicide Prevention Law Policy

- Requires yearly 90 minute training on suicide prevention for school employees.
  - Training has been developed by various state agencies (DDOE, DSCYF, DHSS)
- LEA must establish policy by September 1<sup>st</sup>, 2016
  - Provide to DDOE
  - Appear in student and staff handbook and on website

# Suicide Prevention Policy

- LEA must establish policy to include:
  - Recognizing serious problem of youth suicide
  - Require development of suicide prevention program in schools
  - Require each school to establish a committee for coordinating suicide prevention program
  - Statement prohibiting retaliation against an employee, volunteer or student for reporting
  - Procedure established for confidential and anonymous reporting of warning signs
  - Procedure established for communication between school and medical professionals

# AG Reports

- MOU in final stages of revision
- Exhibits A & B will no longer be part of report. Charges only.
- Approved district rep will have to receive training in DELJIS to access additional info
- Added clarifying language regarding use in disciplinary hearing. Redact victim name and destroy after use.
- AG reports are NOT to be maintained as part of any student record



# MOU on Transition from YRS

- MOU addresses transition process of students released from Ferris
- Focus is on
  - transition being discussed by all stakeholders from beginning of placement to actual release
  - considering each individual's most appropriate placement upon release
  - common criteria to consider for placement after release
  - streamlining enrollment process into new district, when applicable
- MOU should be ready for review by Chiefs in mid-August

# SB 207

- SB 207 requires schools to provide additional info on student vs. student assault 3<sup>rd</sup> incidents:
  - Shall additionally report to the DDOE the facts leading up to such a report
  - Description of injuries suffered by the victim
- Data to be collected from Sept 1<sup>st</sup> – March 31<sup>st</sup>.
- DDOE will send LEAs monthly report for updating to include this additional required info.
- Requires additional follow-up regarding bullying reporting

# HB 250

- Removes loophole in school choice/charter enrollment regarding “reported and recorded” incident of bullying as good cause for exiting choice/charter agreement. It allowed for alleged bullying to be used.
- Bullying now has to be reported, recorded, ***and substantiated*** by the current school for good cause to exist.

# HB 214

- HB 214 requires that a person who intentionally causes physical injury to a Licensed Practical Nurse or a Registered Nurse while the nurse is performing a work-related duty shall be guilty of Assault 2<sup>nd</sup>.
- If school nurse is assaulted while performing a work-related duty, record as Assault 2<sup>nd</sup> (C0106) regardless of level of injury unless law enforcement indicates offense is considered Assault 1st, then record as C0107.

# SCR 83

- This resolution establishes a special committee to study and make recommendations about school safety issues, with the committee to provide its report and recommendations on or before October 17, 2016.
- District representation includes Capital, Christina, Indian River, NCCVT, and Red Clay
- Focus on social media and mental health

# HB 292

- Requires posting of child abuse and neglect telephone report line (1-800-292-9582)
- Must be posted in conspicuous location where notices to students are customarily posted
- Must be in English and Spanish

# SB 213

- CPAC and DFS to develop curriculum on personal body safety and child sexual abuse to include:
  - Training for public school employees PK-6
  - Instruction for PK-6 on personal body safety and child sexual abuse
  - Info for PK-6 guardians on warning signs, age-appropriate methods for discussing personal body safety, resources for reporting, counseling resources for victims

# SB 213 (continued)

- Begin using curriculum in 2017-18 school year
- Inform guardians in writing that they may review curriculum
- District designates an individual to oversee implementation by Nov. 15<sup>th</sup> and send to DDOE. Report on implementation by Nov. 15<sup>th</sup> each year



# SB 239

- Bill introduced to limit the use of OSS and require the use of Restorative Practices for schools meeting certain suspension thresholds
- Did not make it out of committee
- ACLU planning to continue to engage DDOE, LEAs, and others regarding this topic
- Based on 2014-15 statewide data, 48 schools  $\geq 12\%$  OSS rate, 110 have subgroup  $\geq 12\%$  OSS rate, 120 have subgroup gap  $\geq 10\%$

# Bullying Reporting

- ***Alleged bullying*** reported under “alleged bully victim” custom screen under demographics folder in eSchool. No code used. Alleged bully name is NOT required.
- ***Substantiated bullying*** incidents reported in eSchool discipline tracker. Use code D0701. This code is to be used for substantiated instances of off-campus cyberbullying as well.
- Substantiated incidents must include “reason” for bullying. Update in “Incident Related To” field. Guardians of both the target and the bully must be contacted when bullying is substantiated. Document in eSchool by clicking “offender/victim name” and then updating in the “general” tab.

# Reporting Bullying

- Must notify the guardian of both the bully(s) and victim(s) when bullying is substantiated and supply DE Department of Justice form regarding School Ombudsperson (including contact info) as well as guardian 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 and Civil Rights Law

- Some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws.
- A school is responsible for addressing harassment incidents about which it knows or reasonably should have known.
- School response may involve more than just disciplining students for violation of bullying policy (i.e. staff and student training, counseling for target and/or offender, additional communication about existing policies).
- Link to OCR's Dear Colleague Letter - <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

# eSchool Updates/Reminders

- **No new offense codes for 2016-17.**
- Reminder: When applicable, use action codes 30- No Action Taken and 31- Listed under other incident.
- Do NOT create your own discipline offense, action or location codes. Contact Melvin D'Souza or John Sadowski via email.
- Kicker lists: Offender missing, not enrolled, invalid offense codes, bullying reason not chosen.
- Agency discipline reporting (i.e. CDAP, etc.) must be sent back to home school for entry into eSchool. Use code S0162 – Report: CDAP.

# eSchool Updates/Reminders

- Students disciplined for off-campus AG report should be recorded in eSchool using code S0161-Report: Attorney General.
- Do not add discipline incidents to summer school database. Add summer school discipline to regular database.
- Notify DOE of changes in staff that are involved with discipline reporting.
- Use Cognos reports to conduct QC.

# Required Trainings in PDMS

## Bullying/Gang ID & Child Abuse Reporting

- Available mid-August. Required for all school employees. Both are 60 minutes in length.
- Must be completed each year.
- PDMS rosters are pre-loaded. Mid-year hires or those not pre-loaded can register in PDMS. Search key words to find course.
- PDMS will automatically update staff member's account as "completed" from Schoology when staff member checks assurance box after completion. PDMS will then update participant's DEEDS account within seven days.
- Non-IMS account staff (bus drivers, cafeteria workers, custodians, etc.) should be documented on hard copy form. Download from website.

# Other Trainings in PDMS

## Restraint/Seclusion Reporting & Teen Dating Violence Protocols

- Available mid-August. Required for specific employees.
  - Restraint/Seclusion reporting required for employees responsible for reporting incidents of restraint or seclusion. (30 minutes)
  - Teen Dating Violence Protocol training required for each school administrator, counselor, and nurse employed in a 7-12 grade school. (60 minutes)
  - Must be completed every three years or in any year that the training has been changed or updated.
- PDMS rosters are not pre-loaded. All participants must individually register for course in PDMS. Search key words to find course in PDMS.
- PDMS will automatically update staff member's account as "completed" from Schoology when staff member checks assurance box after completion. PDMS will then update participant's DEEDS account within seven days.

<http://www.doe.k12.de.us/domain/373>



# Other Trainings on Website

## eSchool Discipline Data Entry Webinar Tutorials

- Discipline data entry webinar tutorials available 24/7 at following link:

<http://www.doe.k12.de.us/Page/2370>

- Ten webinars with most being 3 to 4 minutes in length
- Various topics including:
  - Basic discipline data entry process
  - Adding multiple offenders or offenses
  - Adding a confidential victim or unknown offender
  - Adding multiple action codes

# Other Updates/General Discussion

- Secure Email – Egress
- USED/USDOJ Transgender Guidance
- Cognos Reports/EdInsight
- Upcoming Report Releases
- Questions/Comments/Concerns



Public Folders

My Folders

Public Folders > Standard DOE Public Reports > Discipline Reports

<input type="checkbox"/>	Name
<input type="checkbox"/>	Development Reports
<input type="checkbox"/>	Discipline/PBS Reports
<input type="checkbox"/>	DOE Discipline QC Reports
<input type="checkbox"/>	DOE Discipline Verification Reports
<input type="checkbox"/>	Alleged Bullying Victim Multiple Incidents Report
<input type="checkbox"/>	Alleged Bullying Victim Report by Building
<input type="checkbox"/>	Alleged Bullying Victim Report by Individual Student
<input type="checkbox"/>	Discipline Incidents Which Include an Identified Victim and Offender Action
<input type="checkbox"/>	<b>Restraint Seclusion Letter to Guardian</b>
<input type="checkbox"/>	Restraint Seclusion Report by School (prompted)
<input type="checkbox"/>	School Conduct Report by Individual
<input type="checkbox"/>	Substantiated Bullying Incident Report
<input type="checkbox"/>	Substantiated Bullying Offense Report