



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: February 20, 2012

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, <sup>Simplified</sup> Chairperson  
State Council for Persons with Disabilities

RE: H.B. 243 [School Crime Reporting]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 243 which is the result of work of the School Discipline Task Force and reduces the scope of offenses that must be reported to law enforcement. For example, a principal would have discretion to not report conduct of youngsters under age 12 amounting to a misdemeanor (lines 135-139). Moreover, the categorical referral to an alternative program based on probable cause that a crime has been committed is deleted (lines 163-166). In recent years, both national and local policymakers have determined that school discipline and reporting requirements were unduly strict. See attached articles. In 2010, the General Assembly passed H.B. 347 which amended mandatory reporting standards. H.B. 243 would effect further changes which are consistent with the attached Committee findings:

Committee Findings: The committee found that the bill simplifies the mandatory disciplinary report requirements for schools. They believed the (bill) (sic "law") previously required an overindulgence of disciplinary reporting.

SCPD endorses the proposed legislation subject to consideration of the following amendments.

First, in line 18, SCPD believes the word "hired" has been inadvertently omitted from the Code. The provision reads as follows:

(7) "School employee" includes all persons by a school district, attendance zone or charter school; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property.

Consistent with the attached Section 2 of H.B. 347, the reference should ostensibly be “includes all persons hired by a school district”.

Second, in line 26, the definition of “school volunteer” is being limited to persons 18 years of age or older. SCPD recommends deletion of “18 years of age or older”. Otherwise, if a school employee learns that a 17 year old volunteer has been assaulted or sexually abused, no report to the principal would be required (lines 107-121). Moreover, a Girl Scout or Boy Scout troop could be performing voluntary service at a school and the scouts would not be protected.

Third, in line 144, the notice to a parent should only be issued if the victim is a juvenile.  
Compare line 122.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Ms. Susan K. Haberstroh  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

Hb 243 school crime 2-20-12

Recommend {401}

22

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## Study: One-third of young people arrested by age 23

REUTERS

updated 12/19/2011 1:13:45 PM ET

**NEW YORK** — Close to one in three teens and young adults get arrested by age 23, suggests a new study that finds more of them are being booked now than in the 1960s.

Those arrests are for everything from underage drinking and petty theft to violent crime, researchers said. They added that the increase might not necessarily reflect more criminal behavior in youth, but rather a police force that's more apt to arrest young people than in the past.

"The vast majority of these kids will never be arrested again," said John Paul Wright, who studies juvenile delinquency at the University of Cincinnati's Institute of Crime Science, but wasn't involved in the new study.

"The real serious ones are embedded in the bigger population of kids who are just picking up one arrest," he told Reuters Health.

Though violent crimes might be on the rarer end of the spectrum of offenses, the study's lead author pointed to the importance of catching the early warning signs of criminal behavior in adolescents and young adults, saying that pediatricians and parents can both play a role in turning those youngsters around.

Robert Brame of the University of North Carolina at Charlotte and his colleagues analyzed data from a nationally-representative youth survey conducted between 1997 and 2008.

A group of more than 7,000 adolescents age 12 to 16 in the study's first year filled out the annual surveys with questions including if and when they had ever been arrested.

At age 12, less than one percent of participants who responded had been arrested. By the time they were 23, that climbed to 30 percent with a history of arrest.

That compares to an estimated 22 percent of young adults who had been arrested in 1965, from a past study.

"It was certainly higher than we expected based on what we saw in the 1960s, but it wasn't dramatically higher," said Brame.

Arrests in adolescents are especially worrisome, he told Reuters Health, because many repeat offenders start their "criminal career" at a young age.

The researchers said it seems that the criminal justice system has taken to arresting both the young and old more than it did in the past, when fines and citations might have been given to some people who are now arrested.

"If (police) find kids that are intoxicated or they have pulled over someone intoxicated... now, nine times out of 10 they're going to make an arrest," Wright told Reuters Health.

"We do have to question if arrest is an appropriate intervention in all circumstances, or if we need to rethink some of the policies we have enacted."

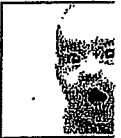
He pointed out that young people who have an arrest on their record might have more trouble getting jobs in the future. It's one thing if that's because they were involved in a violent crime, he continued, but another if their offence was non-violent, like drinking underage or smoking marijuana.

"Arrest does have major social implications for people as they transition from adolescence to adulthood," Wright said.

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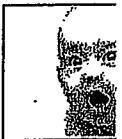
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While the report didn't ask youth why they had been arrested, Brame said that common offenses in that age group also include stealing, vandalizing and arson.

For most minor offenses, teens and young adults will get a term of probation or another minor penalty, he said. The most serious adolescent offenders and those with a prior record could be prosecuted as adults and end up getting a prison sentence.

Brame said that being poor, struggling in school and having a difficult home life have all been linked to a higher risk of arrest in that age group.

He and his colleagues wrote in *Pediatrics* on Monday that other warning signs of delinquent behavior include early instances of aggression and bullying, hyperactivity and delayed development.

Pediatricians might be able to recognize those warning signs more clearly than parents, and can point kids toward resources to help keep them out of trouble, such as counseling services, Brame said.

"We urge that parents who are concerned about their kids' well-being, that they get those kids in to see a pediatrician on a regular basis so the pediatrician can do the things they're trained to do."

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June 6, 2010

## Delaware students suspended at twice the U.S. average

### Majority of offenses are noncriminal

By *NICHOLE DOBO*  
*The News Journal*

Nearly one out of five Delaware public school students was suspended or expelled last year, a figure nearly double the national average.

Statewide, 22,828 of the 125,430 students in public schools were suspended or expelled, missing tens of thousands of school days.

The majority of those students, close to 80 percent, were sent home for non-criminal offenses, infractions ranging from breaking the dress code to cutting class.

<http://php.delawareonline.com/schools/map/schoolDiscipline.php>">A News Journal analysis of more than 23,000 suspension and expulsion records shows Delaware's rate has been higher than the national rate for at least five years.

State officials agree Delaware's rate is too high, but say they give local school leaders autonomy to decide what punishments are warranted.

School and district leaders say they know pulling children out of school isn't ideal, but argue that sometimes suspension of a child disrupting the entire class is the best option for the remaining students.

And they believe better classroom management and expansion of in-school suspension programs will reduce the number of children sent home.

But parents such as Toyia Lopez are frustrated.

Her son Khaalid Lopez, a kindergartner, was suspended from <http://www.colonial.k12.de.us/>">Colonial School District's Eisenberg Elementary four times this year.

The 6-year-old sometimes throws toys and has hit his teacher, but his mother contends he's never hurt anyone or done anything serious enough to warrant suspension.

Khaalid's brother, Rahsheer Blake, is in fourth grade. He has Attention Deficit Hyperactivity Disorder and will storm out of the classroom when he's frustrated with his work or the teacher. The 10-year-old has been suspended so many times from Colonial that his mother says she's lost count.

She knows this much: Her boys need to be in class.

"They don't need to be out of school," Lopez says. "They need to be learning."

<http://php.delawareonline.com/schools/map/schoolDiscipline.php>">The News Journal analysis of the 2008-2009 school year data, the most recent available from the state, found:

- More than 18 percent of students were suspended or expelled last school year, a figure that includes in-school suspensions and does not count students more than once.
- The 22,828 students suspended or expelled lost a combined 147,392 days of classroom instruction.
- Eight schools suspended or expelled at least half the student body:  
<http://www.redclay.k12.de.us/>">Red Clay Consolidated's Dickinson High; Prestige Academy charter school; <http://www.colonial.k12.de.us/>">Colonial's McCullough Middle; and <http://www.christina.k12.de.us/>">Christina's Bayard Middle, Bancroft Elementary, Stubbs Elementary, Shue-Medill Middle and Elbert-Palmer Elementary.

An overwhelming majority of the state's suspensions and expulsions were not for criminal incidents. In 2008, about 78 percent were for breaking school rules, such as not wearing a complete school uniform or disobeying a teacher.

The children who face these punishments tend to be the most at-risk youth, experts say, and their chances of academic success drop when they aren't in school.

The state's suspension and expulsion rate is too high, said Robin Case, who oversees school discipline for the state Department of Education.

"I always think kids are better off in their seat learning," Case says. "I don't think there's an educator in our state who doesn't agree."

Yet educators face a dilemma: One disruptive student can ruin the educational environment for an entire class.

"You have to take actions for the benefit of the rest of the students," says Colonial Superintendent George H. Meney.

There's been little progress in bringing Delaware's numbers down in the last five years, and that's unacceptable to New Castle Councilman Jea Street, who also works as a volunteer advocate for students who face expulsion at their disciplinary hearings.

"It's absurd," says Street. "I will say all the suspensions for criminal offenses are justified – and that's a gift. Now I want them to justify the balance. And they can't do it."

Research shows that the key to keeping children in school is effective classroom management, says Walter S. Gilliam, director of the Edward Zigler Center in Child Development and Social Policy at Yale University. Educators need the support of behavioral health professionals to assess why individual children are having difficulties, smaller classroom enrollments and programs to deal with job-related stress.

"In the end, suspension and expulsion is not a behavior of a child," Gilliam says. "It's a decision made by adults."

## A changing of culture

August 2008 started a difficult year at Christina's Bayard Middle School.

That year, the district shifted grades, making Bayard a sixth- through eighth-grade building. Principal

Donald Patton established a strictly enforced dress code and school-conduct rules.

During that year, 559 students -- about 83 percent of the student body -- were suspended or expelled. They missed a combined 8,816 days of regular classroom instruction. It was part of a deliberate effort to create an environment of order and respect, Patton says.

The culture shift impacted teachers, too. Three walked out in the first month. By year's end, about 60 educators had quit.

"We were putting expectations in place," Patton explains.

Delaware's highest district suspension and expulsion rate from the 2007-2008 term to last year was in <http://www.christina.k12.de.us/>>Christina. In 2005-2006, <http://www.capital.k12.de.us/>>Capital School District topped the list. Five years ago, <http://www.redclay.k12.de.us/>>Red Clay Consolidated had the highest rate.

The problem with suspending or expelling children is those who are the most likely to be punished often lack the home support to guide them back, says Michael P. Krezmien, a Rutgers University professor who studies school discipline. The more regular class these children miss, the more they fall behind. Eventually, some quit trying.

"The thing about kicking kids out of school is you remove them from the one structured place where they can be involved," Krezmien says.

Figuring out why a district or school has a high number of suspensions and expulsions requires a look at policies, training, staff and resources, says Russ Skiba, a professor in counseling and educational psychology at Indiana University. Each district -- and the school buildings within it -- has its own story. Schools with similar demographics and challenges don't necessarily have the same rates, research shows.

"If they are not aware of effective options for keeping kids in school they really are forced into removing kids from school," Skiba says.

## Reduction efforts

One of Delaware's lowest suspension rates is found at a school that takes pride in strict rules: 3 percent of <http://www.demilacad.org/>>Delaware Military Academy students were suspended or expelled in 2008-2009.

Leaders there deal with misbehavior in a different way: Students drop to the floor and do pushups. Military instructors yell. Those who break the rules often find themselves facing the most dreaded of punishments -- marching during lunch while carrying a 16-pound rifle.

With 16 students suspended or expelled in 2008-2009, it has one of the lowest rates among Delaware high schools. Although Col. Jack Wintermantel, the charter school's superintendent and founder, says he is proud of his school's discipline record, he cautioned that comparing the school to a traditional public school isn't fair. It's a military academy, so educators there have discipline options that aren't available at most schools. And parents who sign their children up for the charter school choose this environment.

"High school kids are going to make mistakes," he says. "We just have to show them the error of their ways."

Keeping troubled students in an educational setting is a priority at <http://www.irsd.net/>>Indian River School District, says Charles Hudson, administrator for pupil services. Besides referring



students to an alternative education school, the district has an in-house program that's used instead of sending students home. The hope is to create a place where problem students can continue their education while getting help.

"If we can keep them in school, maybe we can change some of these behaviors," Hudson says.

Efforts also are being made in other districts. To reduce suspensions for first-time offenders, <http://www.brandywineschools.org> Brandywine is running a high school peer mediation program, Peer Court, for offenses such as fighting or stealing. The district plans to expand the program to the middle school level next year, says Ellen Marie Cooper, director of legal affairs. "We like to have our kids going to school."

Red Clay administrators use suspension and expulsion data to track when and why their students are getting into trouble. Then, they make adjustments aimed at preventing conflicts, says Hugh Broomall, assistant superintendent for school support.

A high rate remains at Dickinson High, where 55 percent of students were suspended or expelled last year. That figure should drop because ninth-graders were moved into their own area where they don't interact with upperclassmen, and new scheduling limits breaks between classes.

"The idea of being proactive to control discipline problems is something we've tried to wrap our arms around in Red Clay," Broomall says.

While secondary schools long have had disciplinary problems, more surprising may be how many young children are out of class.

Nearly 400 kindergarten students were suspended from Delaware public schools last academic year. Lopez, mother of the kindergartner suspended four times, says her son's behaviors -- including tossing toys and pulling on a teacher -- are typical for a child his age.

"I sit in the classroom, and the other children are hitting each other," she notes. "They are in kindergarten. They get excited."

The distinction can be difficult for educators.

A 2006 Yale University Child Study Center study of early childhood education expulsions and suspensions noted that nearly half of kindergarten students suspended from Connecticut schools were removed for behaviors such as kicking, biting and hitting. More than half of these children were repeat offenders, which signaled that the children continued these behaviors after the suspensions.

Suspending students never is a first choice, but after other options are exhausted, it's the only one that preserves the integrity of the classroom for classmates, says Meney, Colonial's superintendent. To make sure these students are being treated fairly, two Colonial administrators review every suspension and expulsion case on the primary school level.

"Sorting out the difference between immature behavior and serious behavior is not always easy," Meney adds.

## Personal challenges

For some students -- regardless of age -- achieving in a traditional classroom is challenging, educators say. Some have disabilities. Some have grown-up responsibilities that limit time spent on academics. And some receive conflicting messages: Behaviors valued in school aren't the kinds of behaviors the children see at home.

Increasingly, children have so many personal and academic issues they are not able to function in a regular classroom, says Case, who was a principal and police officer before moving to her position with the state Department of Education.

To reach these children -- including some who do not get enough to eat or return home each day to neighborhoods struggling with crime -- requires sustained interventions. A state program, called Connections to Learning, is helping schools. But to make a real difference, the community and parents also must be involved, Case says.

"The frustrating thing to those of us in education is schools can't be everything to children," she says. "You can't just drop a kid down in school and expect him to be successful. It's an unreal expectation."

## Some blame zero tolerance

Some say zero-tolerance policies, which mandate punishments for specific incidents, are to blame for high suspension rates.

As schools pressed forward with such policies in the early 1990s, many found the approach left administrators with little latitude.

In Christina, leaders moved to eliminate their zero-tolerance policy after a series of high-profile cases. In 2007, a seventh grader was expelled for using a utility knife blade to cut out paper windows for a class project. In April 2009, an elementary school girl was expelled for bringing a pastry knife to school to cut a cake. And in October, a 6-year-old boy was expelled for bringing a camping utensil to school to eat his pudding at lunch. After that case, which drew national attention, the district gathered parents, educators and community members for input.

"People were ready for a change," said Lee Irving, stepfather of the disciplined boy. "Finally, many people realized that the policies in effect for 10 to 15 years didn't work."

The district's proposed policy -- which gives more discretion to principals -- is up for a school board vote Tuesday. And state legislators passed a bill Wednesday that increases the student age -- from 9 to 12 -- that requires educators to involve police in less serious school crimes. The governor is expected to sign it.

In the meantime, Christina leaders expect suspensions to drop by at least a third when this year's statistics are compiled, thanks to efforts to improve teachers' classroom management and student relationships, says Sharon Denney, the district's supervisor of school climate and discipline. And, in an effort to increase transparency, the district makes the real-time data available to the public on its website.

Adds Denney: "We have clearly shifted our emphasis from reactive to proactive."

## Additional Facts

### ONE STATE PASSES LAW AS SOLUTION TO HIGH SUSPENSION RATES

A new state law in Connecticut aims to keep more children in school by restricting out-of-school suspensions.

The law, passed in 2007 and the first of its kind in the nation, came in response to a report that showed the state's high suspension rates. Set to take effect July 1, the law says children can only be given an out-of-school suspension if it's a safety issue or if the child's a chronic disruption to the educational process.

Even before the law has taken effect, the suspension rates have dropped significantly in the state's schools, said Tamara Kramer, a policy fellow at Connecticut Voices for Children. Overall, the state's suspension rates dropped from 7 percent in 2005-2006 academic year to about 5.4 percent in 2008-2009, according to a report from Connecticut Voices for Children, an advocacy group.

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# State needs to rethink school discipline

June 7, 2010

A thorough read of Sunday's lead story "Delaware students suspended at twice the U.S. average" is numbing and instructive. The state's rate has been higher than the national rate for five years. Most of the infractions are noncriminal.

However, most of the students involved are black, Latino or those with special needs, populations with histories of discipline problems since Delaware desegregated public schools in 1978 and after it formally abandoned racial integration efforts 20 years later.

As punitive measures to protect the learning environment of students who pose no classroom distractions, suspensions and expulsions have validity.

Too often this view is seized as sort of a moral high ground, when compared to racism and the root causes of poverty.

Yet as a method of reform, ejections have limited ability to change behavior. Statistically, behavior problems are the backdrop for higher dropout rates and less U.S. global competitiveness.

So rather than discarding "bad kids" to their own devices, it's in Delaware's interest to broaden its approach to school discipline.

Better classroom management, input from behavioral health specialists on why individual children are so difficult, and help with job-related stress for teachers are better options.

But cultural competency -- the subject of "Schools must meet students' diverse needs," on today's Opinion page -- is critical.

It has the potential to take the bite out of racism concerns by helping schools create effective, relevant and rigorous learning environments for minorities.

Cultural competency will be among Education Secretary Lillian Lowery's talking points at a community forum today about what the state's first-place "Race to the Top" win means.

Funding from that \$100 million prize depends on evidence-based successes.

That high-stakes criterion requires every school administrator, teacher, parent and student to rethink discipline issues with a focus on what solves the problem, beyond a penalty for being disruptive to the learning process.

The free 5:30 p.m. forum sponsored by DOE and black and Latino community groups takes place at the Carvel State Office Building, 820 N. French St. Call 622-4300 for details.

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QUOTE OF THE DAY

"This has hijacked his entire legislative agenda."

Historian Douglas Brinkley on President Obama's reputation after the Gulf oil spill

VIEW

# Common-sense approach to school discipline needed

Delaware law requires that all crimes by students 9 and older be reported to police. A new bill, endorsed by the state Senate on Wednesday, raises the age to 12.

Parents across the country have been urging elected officials

## ZERO TOLERANCE

to rethink the wisdom of kicking kids out of school for innocent infractions.

The dismissal of a 6-year-old Downes Elementary School student who had a Cub Scout utensil — part knife, fork and spoon — to eat his lunch with put the national spotlight on Delaware's law. District policy required that the child spend 45 days in an alternative school.

The Christina District Board of Education ultimately overturned that requirement, but not before the state joined the ranks of oth-

ers whose attempts to reduce school crime have appeared laughable.

Other states have recognized the foolishness done by such a blanket approach. Two years ago, Florida lawmakers ordered school boards to first make sure that only students who pose a serious threat are expelled. They removed petty misconduct as grounds for expulsion or arrest.

Last year, Texas started requiring that intent, self-defense, disciplinary history and whether the child has special needs be considered in suspension cases.

Those specific mandates respect the discretion of school officials. But first, let's raise the mandatory age for reporting offenses to police, which House Bill 347 does. It sets a reasonable marker for invoking zero-tolerance policies.



# Delaware schools: Discipline numbers flag need to address disabilities

## Special-needs youth punished more often

By NICHOLE DOBO • The News Journal • June 11, 2010

Schools across Delaware are punishing a disproportional number of students with disabilities, mirroring a national trend:

A News Journal analysis of 2008-2009 school year data found that these students accounted for about 20 percent of the students suspended but nearly 14 percent of the student population. National studies have shown that these students represent about 20 percent of all students suspended but make up about 11 percent of the population.

State officials acknowledge the problem and say school leaders must understand what is causing the students' misbehavior.

"The piece we think is important is the problem-solving piece," said Martha Toomey, the state Department of Education's director of special education. "When we see behavior that warrants discipline, we need to figure out why."

In a story published Sunday, a News Journal study of more than 23,000 suspension and expulsion records found that nearly one out of five Delaware public school students was suspended or expelled last year, a figure nearly double the national average. Statewide, 22,828 of the 125,430 students in public schools were suspended or expelled, missing tens of thousands of school days. Almost 80 percent were sent home for non-criminal offenses such as breaking the dress code or cutting class.

For some parents of special-needs students, the concern is whether educators understand their children's disabilities and how to work with them.

Parent Rick Schroeter said his 14-year-old son's lack of communication skills leads to misunderstandings at school. The boy -- who has been diagnosed emotionally disturbed by his Caesar Rodney middle school but is in the process of an independent evaluation for autism -- has a hard time explaining his feelings, so he sometimes lashes out, Schroeter said.

One time, a teacher did not want to hug him, something the boy mistook for rejection, so he kicked her. When he does not understand an assignment, he refuses to do it because he does not know how to tell the teacher he's unable to do the work, his dad said.

Some of this behavior has led to suspensions. His father estimates that his son lost about a month and a half of school last year and at least nine days this school year.

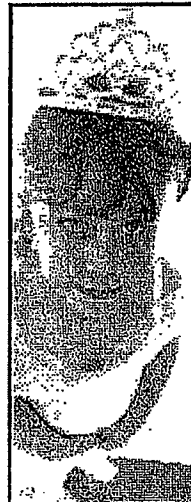
"His kicking and hitting is not due to him just wanting to be that way," said Schroeter, who lives near Camden. "He just basically can't help himself."

Caesar Rodney officials did not return calls seeking comment this week.

## Drawing the line

School districts have the ability to track student discipline numbers, and educators say that's

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- No, it has to be prohibited!

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helping them make informed decisions about teacher training needs and options for preventing problems. But some say it's not enough.

"Everything to help that teacher is in place," said Marie-Anne Aghazadian, executive director of the Parent Information Center of Delaware, a nonprofit resource and support center for parents of children with special needs. "What's really lacking is will on the part of the school districts to accept responsibilities."

Those responsibilities include figuring out if the behaviors that lead to punishments are manifestations of the child's disability. State and federal statutes are in place to help ensure children with disabilities are being treated fairly. The regulations -- which can be complex to navigate even for those who work in education -- require that teams evaluate a child's education and behavior plan after a suspension takes place to make sure the child is getting the right support to be successful in school.

That can be a challenge, especially for students with so-called "invisible disabilities," such as Attention Deficit Hyperactivity Disorder, Aghazadian said. Teachers of these students need to want to learn the best ways to educate these children and to recognize when bad behavior stems from the child's disability, she said.

For Schroeter, it's been difficult to find a place where his child can learn. He knows his son shouldn't hit people -- and he tells the teen so -- but sometimes the outbursts are hard to manage. He wants his child to be in an environment where he can learn and to be understood by his teachers.

"He opens doors for the same people that he hits," Schroeter said. "He's a loving kid."

### Changing the trend

The U.S. Department of Education requires states to track the academic and behavioral progress of students with disabilities. A portion of the report deals with punishment of these children. Each school district and charter school must meet goals based on the proportion of students who are suspended for more than 10 days as compared with the general student population.

In Delaware, four school districts -- Caesar Rodney, Indian River, Red Clay Consolidated and Capital -- did not meet those goals in the 2007-2008 school year, the latest report available. That's an improvement from the last report, when seven districts did not meet the goals. Each of the districts on the list must create a plan to improve.

Educators and state officials stressed that the 2007-2008 reports are not representative of what's going on now, noting that data reviews show progress has been made. For instance, Red Clay's data show that it cut the number of special-education students who missed school in the 2008-2009 academic year more than 10 days by a quarter, spokeswoman Pati Nash said.


In the Indian River and Red Clay districts, officials worked with University of Delaware to implement a program called Positive Behavioral Support. Schools that use this education model focus on promoting good behavior, rather than just punishments. In Red Clay, nine schools use the program. In Indian River, all schools use it. Red Clay also used federal stimulus money to hire three behavioral interventionists who work in special education.

"We want to work with these families so that students are successful in school," said Hugh Broomall, an assistant superintendent at the district.

### A team effort

At Appoquinimink, special-education director Mary

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Ann Mieczkowski said it's important to make sure everyone is on the same page when educators and parents draft a plan to help the child with behavioral issues. During meetings, Mieczkowski puts paper on the wall and writes down plans they discuss on it. That helps prevent misunderstandings because everyone can see the notes and bring up any misunderstandings at the meeting.

Another key to success is tracking how well it's working, Mieczkowski said. She requires parents and educators to revisit the plan a couple weeks after it is drafted.

"Too many plans fall apart because nobody comes back to look at them," she said.

Mieczkowski has worked in special education for 25 years and was recently named special-education director of the year in Delaware. It is the school's responsibility to teach children how to behave, even if it's difficult, she said.

"We have to teach the appropriate behaviors," she said. "That's part of our job."

Contact Nichole Dobo at 324-2281 or [ndobo@delawareonline.com](mailto:ndobo@delawareonline.com).

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# Delaware schools: Conduct code for Christina gets a revision

## Separate rules govern K-5, 6-12

By EDWARD L. KENNEY • The News Journal • June 10, 2010

Following the suspension of a first-grader that sparked national controversy last fall, the Christina School Board has made significant changes to the student code of conduct, including creating separate documents for upper and lower grades.

Zachary Christie was suspended by the district in October for bringing a camping utensil with a knife, fork and spoon to Downes Elementary School in Newark. He intended to use it to eat his pudding at lunch.

District policy prohibited Zachary from returning to the school until he completed at least 45 days at an alternative school, but the school board later changed its policy to allow Zachary to return.

Responding to concerns, a district call went out in December asking for volunteers to serve on the Code of Conduct Review Committee, attracting a cross-section of 41 people – including Zachary's mom, Debbie, and stepfather, Lee Irving. The committee met six times since January.

"I really applaud all the hours you have put into it, reviewing it in minute detail," Irving told the board prior to Tuesday's vote, which took place close to midnight.

The school board was expected to vote on the revisions last month, but tabled that vote because board members had too many questions. One of the biggest revisions creates separate student code of conduct documents for elementary school students in kindergarten through grade 5 and secondary students in grades 6-12. Within the elementary school code of conduct, disciplinary responses are further delineated for grades K-2 and grades 3-5.

In the new code of conduct, the wording for many disciplinary offenses has been revised, and the code no longer uses the term "required" to indicate mandatory disciplinary actions, other than disciplinary actions that are required by law. The new code now provides "optional" and "recommended" actions that provide more flexibility for school principals and building leaders in determining appropriate discipline.

The new code also recommends more student-oriented responses intended to help students learn from their mistakes, change negative behavior and obtain needed support services.

Responses include school-based counseling, behavior intervention, mentoring, behavior modification plans, Saturday school, character education and community service.

The changes also require that Christina must receive notice if a family advocate is to be brought to an expulsion hearing so the district has time to prepare.

Before the new code is implemented in the fall, the district will develop a comprehensive plan for all staff that will provide training in effective classroom management, de-escalation, character building and diversity.

"We're really proud of the work that went into that," district spokeswoman Wendy Lapham said of the revised code. "It really reflects the values and

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Contact Edward L. Kenney at 324-2891 or [ekenney@delawareonline.com](mailto:ekenney@delawareonline.com).



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# Weapons ban reconsidered

## R.I. schools want to allow wider student expression

Associated Press

COVENTRY, R.I. — The superintendent of a Rhode Island school district that banned a second-grader's homemade hat because it displayed toy soldiers with tiny guns said Saturday he will work to change the policy to allow such apparel.

Coventry schools superintendent Ken Di Pietro said in an e-mail to the Associated Press that the no-weapons policy shouldn't limit student expression, especially when students are depicting "tools of a profession or service," such as the military or police.

"The event exposed how a policy meant to ensure safe environments for students can become restrictive and can present an image counter to the work of our schools to promote patriotism and democracy," Di Pietro said.

David Morales, an 8-year-old student at Tiogue School, made the hat after choosing a patriotic theme



AP/STEW MILNE

Second-grader David Morales sparked debate when his patriotic hat, with gun-toting plastic Army figures, was banned from school because it displayed weapons.

for a school project last week. He glued plastic Army figures to a camouflage baseball cap. But school officials banned the hat, saying the guns carried by the Army figures violated school policy.

The decision prompted

criticism of the school and support for Morales. On Friday, the boy received a medal from Lt. Gen. Reginald Centracchio, the retired head of the Rhode Island National Guard. Centracchio said Morales should be thanked for recognizing veterans and soldiers.

"You did nothing wrong, and you did an outstanding job," Centracchio told the boy.

Di Pietro said Centracchio met with school officials and asked them to change the policy, and Di Pietro agreed to work with the school committee on a revision. Di Pietro said the incident obscured the district's strong support for the military.

He noted that Coventry schools sponsor one of only two Air Force Junior ROTC programs in the state.

"Coventry Public Schools has a long history of support for the military and for instilling patriotism in students," he said

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## CHAPTER 468

FORMERLY

HOUSE BILL NO. 347

AS AMENDED BY

HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE MANDATORY REPORTING OF SCHOOL CRIMES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE :

Section 1. Amend §4112(a)(4), Title 14 of the Delaware Code by striking the language "under 18 years of age" as the same appears after the word "student" and before the period "." at the end of the paragraph.

Section 2. Amend §4112(a)(7), Title 14 of the Delaware Code by striking the language "18 years of age or older" as the same appears after the word "persons" and before the word "hired".

Section 3. Amend §4112(a)(8), Title 14 of the Delaware Code by striking the language "in the State" that appears after the word "event" and before the period "." at the end of the paragraph.

Section 4. Amend §4112(a)(10), Title 14 of the Delaware Code by striking the language "18 years of age or older" that appears after the word "person" and before the word "who" in the first sentence of the paragraph.

Section 5. Amend §4112(b)(2), Title 14 of the Delaware Code by substituting the number "12" in lieu of the number "9" wherever it appears therein; and by substituting the word "twelve" in lieu of the word "nine" wherever it appears therein.

Section 6. Amend §4112(b)(3), Title 14 of the Delaware Code by striking the language "under the age of 18" as the same appears after the word "student" and before the word "has" in first sentence of the paragraph.

Section 7. Amend §4112(b)(4)d., Title 14 of the Delaware Code by striking the number 9 where it appears therein and substituting the number "12" in lieu thereof.

Approved August 25, 2010

Last Updated: October 05 2010 14:40:37.

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