



SPONSOR: Rep. Smith
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Sant

HOUSE OF REPRESENTATIVES

140th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF
SCHOOL TEACHERS AND SCHOOL ADMINISTRATORS TO CONTROL THE DISRUPTIVE BEHAVIOR
OF STUDENTS AND TO DISCIPLINE OR PUNISH STUDENTS.

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

1 Section 1. Amend §701, Title 14 of the Delaware Code by striking §701 in its entirety and by
2 substituting in lieu thereof the following:

3 "§701. Authority of teachers and administrators to control the disruptive behavior of
4 students.

5 (a) 'Disruptive behavior' includes conduct that is so unruly, disruptive, or abusive that it
6 seriously interferes with a school teacher's or school administrator's ability to communicate with
7 the students in a classroom, with a student's ability to learn, or with the operation of a school or a
8 school-sponsored activity.

9 (b) While a student is entrusted in their care or supervision, public school teachers and
10 administrators have the same authority to control the behavior of the student and to discipline or
11 punish the student as a parent, custodian, guardian, or other person similarly responsible for the
12 care and supervision of the student. The authority includes (1) removing a student from a
13 classroom or school-sponsored activity, and (2) rendering corporal punishment where deemed
14 reasonable and necessary. If corporal punishment is deemed necessary, it must be administered
15 reasonably and in accordance with State or local board of education policy.

(c) When a teacher removes a student from a classroom or school-sponsored activity in an effort to control the student's disruptive behavior, an on-site school administrator may, upon a written showing of good cause, override the teacher's decision to remove the student from the classroom or school-sponsored activity. Before overriding a teacher's decision, the administrator shall strongly presume that the teacher's decision to remove the student was reasonable and necessary under the circumstances.

(d) When a student is removed from a classroom or school-sponsored activity, or is disciplined or punished pursuant to this section, the principal, or the principal's designee, shall afford the student appropriate due process as required by the federal and State constitutions.

(e) When a student is removed from a classroom or school-sponsored activity, the principal, or the principal's designee, and the removing teacher shall determine if and when a student may be readmitted to the classroom or school-sponsored activity. If the teacher and principal, or principal's designee, cannot agree, the superintendent, or the superintendent's designee, shall make the determination.

(f) When a teacher or school administrator removes a student from a classroom or school-sponsored activity, or disciplines or punishes a student, a rebuttable presumption exists that the teacher or administrator acted reasonably, in good faith, and in accordance with State or local board of education policy. The burden of overcoming the presumption shall be upon the student.

(g) Each local board of education shall establish, adopt, publish, and distribute to students in the district and their parents or guardians policy or standards that:

(1) specify the general circumstances under which a student may be removed from a classroom or school-sponsored activity, consistent with a teacher's ultimate authority to determine disruptive behavior and to remove a student from a classroom or school-sponsored activity.

(2) specify the circumstances under which a student may receive corporal punishment; and

42 (3) further define and/or provide examples of 'disruptive behavior' set forth in
43 subsection (a) of this section.
44 (h) A district shall not establish or adopt a policy or standards that prohibit the removal of
45 a student from a classroom or school-sponsored activity.
46 (i) This Act may be cited as the 'Teacher Classroom Control Act'."
47 Section 2. If any provision of this Act or the application thereof to any person or circumstance is
48 held invalid, such invalidity shall not affect other provisions or applications of the
49 Act which can be given effect without the invalid provision or application, and to that end the provisions
50 of this Act are declared to be severable.

SYNOPSIS

Although a student is entitled to a free and appropriate education, the entitlement must be balanced with a school's responsibility to control the learning environment. To be accountable for student performance, educators must have clear authority to determine how to help students learn.

This bill incorporates and broadens 14 Del. C. §701 by specifically authorizing a teacher or school administrator to remove a disruptive student from a classroom or other school activity, and to discipline or punish a student. The bill is based on the concept of "in loco parentis", the doctrine that charges a person who is not a child's parent with a parent's rights, duties, and responsibilities.

The bill provides for due process, along with a rebuttable presumption that a teacher or administrator has acted reasonably, in good faith, and in accordance with policy, in cases where a student is removed from class or is disciplined or punished.