SPONSOR: Rep. Ramone & Sen. Simpson;
Reps. D. Short, Wilson, M. Smith; Sens. Hocker, Richardson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 261

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENT RECORDS AND ENROLLMENT.

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

Section 1. Amend § 4130, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4130 Expulsion of students; re-enrollment; loss of driver's license.

(a) In any case where a public school student is either expelled from a school district or a charter school~~,~~ or is subject to placement in an alternative school for discipline without expulsion, the expelled or placed student shall not be permitted to reenroll in any other school district or charter school in this State until after the full period and terms of the expulsion or placement ~~from the school district or charter school where the student was expelled shall~~ have expired or been completed.

(b) Prior to enrolling any student who attempts to transfer to a school district or charter school in this State, the superintendent of that school district, or the superintendent's designee, the head of a charter school or such head's designee shall first contact the last school district or charter school where the student was last enrolled, if in this State, to determine if that student is under a current expulsion or placement order in that district or charter school. If it is determined that the student is under a current expulsion or placement order, that student shall not be permitted to enroll until the expulsion or placement order has expired or has been completed as set forth in subsection (a) of this section. If said last school district or charter school fails to respond to a written request from a school district or charter school, and it is later discovered that the student is under a current expulsion or placement, the student shall be disenrolled from the school district or charter school and the school district or charter school where the student was last enrolled who failed to respond shall be responsible for the cost of services for that student.

(c) Any student who has been expelled from a public school or who is subject to a placement in an alternative school for discipline without expulsion in this State or in any other state shall, prior to enrollment in any public school in this State, completely fulfill the terms of that expulsion or placement order.

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(d) The provisions of subsections (a), (b) and (c) of this section shall not apply to any case in which a student is seeking to enroll in the James H. Grove High School or in any alternative educational or other related program developed to provide educational services to children who have discipline problems.

SYNOPSIS

Under existing law, when a child applies to enter a charter school, the burden is placed upon that charter school to contact the previous school district of the child to determine if the child was subject to expulsion. There are also children who are placed in alternative schools programs for discipline reasons who were not expelled. It has become more common for parents of these children to apply for enrollment in charter schools in order to circumvent the expulsion or discipline program. This has been made possible because some school districts have not responded to the requests made by charter schools for these discipline or expulsion records. If the Charter school enrolls the student and later discovers this issue, the Charter school is not permitted to disenroll the student and is thereafter responsible for that child's cost. The previous school district thus benefits financially from its failure to respond as it is no longer responsible for the cost of that child. The changes in this bill close this loophole for parents and remove the disincentive for school districts to respond to these requests. If the previous school district fails to respond to a request, they will now have to resume responsibility for the costs of the child. The loophole should be closed for many of these parents as the charter schools will have this information available to it when deciding whether to enroll a child, and they are required to disenroll the student upon discovery of this information.