



SPONSOR: Rep. Potter & Sen. Henry
Reps. Bolden, Heffernan; Sen. McDowell

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 438

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY.

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

1 Section 1. Amend Subchapter II, Chapter 27 of Title 14 of the Delaware Code by making deletions as shown by
2 strike through, insertions as shown by underline and redesignating as follows:

3 § 2730 Failure to attend; penalties.

4 (a) The school may file a civil charge of truancy against the student in the Justice of the Peace Court if:

5 (1) The student is age 12 or older; and/or

6 (2) The Court determines that a parent who is charged with violating § 2702 of this title has a valid
7 affirmative defense under § 2729(b) of this title.

8 (b) The court shall determine whether a preponderance of the evidence establishes that the student has violated
9 § 2702 of this title.

10 (c) If the Court determines the student has violated § 2702 of this title, it shall adjudicate the student a truant and
11 may order the following remedial dispositions:

12 (1) Community service;

13 (2) Counseling;

14 (3) Substance abuse evaluation and treatment;

15 (4) Mental health evaluation and treatment;

16 (5) A curfew with hours set by the court;

17 ~~(6) Suspension or revocation of any permit held by the student, including a work permit or a driver's permit;~~

18 ~~(7) Suspension or revocation of any license held by the student, including a driver's license or a hunting~~
19 ~~license;~~

20 (8) Prohibition of the student's participation in or attendance at any extra-curricular activity or social event
21 which is an official school event or is sponsored by the school or held on school property;

22 (9) A recommendation that the student enroll in the school in alternative educational and related services in
23 accordance with Chapter 16 of this title; and

24 (10) Such other action as is permitted by statute or by court rule.

25 ~~The court shall not suspend or revoke a student's permit or license if the student demonstrates to the court that~~
26 ~~suspension or revocation would impose an economic hardship on the parent or on the student's family.~~

27 ~~(d) Where the court has ordered the suspension or revocation of a student's permit or license, the student is~~
28 ~~prohibited from applying for a new permit or license without permission of the court as long as the student is under the~~
29 ~~jurisdiction of the court.~~

30 Section 2: This Act shall be effective upon enactment.

SYNOPSIS

This Act eliminates the ability of a court to suspend a student's driving privileges or hunting license for truancy.