

CHAPTER 64
FORMERLY
HOUSE BILL NO. 120
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN OFFENSES

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

WHEREAS, Delaware was one of many states to adopt statewide “Zero Tolerance” policies for its public schools, which are policies that mandate predetermined consequences for specific offenses; and

WHEREAS, many states and local school districts have since reformed or abandoned these policies in response to studies showing that Zero Tolerance policies have resulted in arbitrary and unfair expulsions of students; and

WHEREAS, the Delaware Code currently requires a local school board or charter school to expel, for a period of not less than 180 days, any elementary or secondary school student who possesses a firearm or other deadly weapon in a Safe School and Recreation Zone; and

WHEREAS, school boards and administrators currently have no discretion to modify the terms of a mandatory expulsion once a student is found to be in possession of a “deadly weapon,” which is broadly defined in the Delaware Code; and

WHEREAS, the American Psychological Association recently reported that zero tolerance policies do not effectively improve school safety.

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

SECTION 1. Amend § 1457(j)(4), Title 11 of the Delaware Code by inserting a second sentence as follows: “The local School board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.”.

SECTION 2. Amend § 1457(i), Title 11 of the Delaware Code by striking the number “11” where it appears therein and substituting in lieu thereof the number “12”.

SECTION 3. Amend § 222(5), Title 11 of the Delaware Code by striking the number “11” where it appears therein and substituting in lieu thereof the number “12.”.

Approved June 26, 2009