



SPONSOR: Rep. Lynn & Rep. Heffernan & Sen. McDowell
Rep. Bolden; Sen. Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 402

AN ACT TO AMEND TITLE 14 AND TITLE 21 OF THE DELAWARE CODE RELATING TO EXPULSION OF STUDENTS.

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

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

3 § 4130 Expulsion of students; re-enrollment; ~~loss of driver's license.~~

4 (a) In any case where a public school student is expelled from a school district or a charter school, the expelled
5 student shall not be permitted to reenroll in any other school district or charter school in this State until after the full period
6 of expulsion from the school district or charter school where the student was expelled shall have expired.

7 (b) Prior to enrolling any student who attempts to transfer to a school district or charter school in this State, the
8 superintendent of that school district, or the superintendent's designee, the head of a charter school or such head's designee
9 shall first contact the last school district or charter school where the student was last enrolled, if in this State, to determine if
10 that student is under a current expulsion order in that district or charter school. If it is determined that the student is under a
11 current expulsion order, that student shall not be permitted to enroll until the expulsion order has expired as set forth in
12 subsection (a) of this section.

13 (c) Any student who has been expelled from a public school in this State or in any other state shall, prior to
14 enrollment in any public school in this State, completely fulfill the terms of that expulsion.

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

18 ~~(e)(1) In any case where a person is expelled from a public school, the superintendent of schools for the school~~
19 ~~district in which such school is located shall send written notice of such expulsion to the Division of Motor Vehicles. Such~~
20 ~~notice shall be sufficient authority for the Division to suspend, or refuse to renew, any driver's license already issued to~~
21 ~~such person; or to refuse to issue a license to anyone reported by a superintendent to have been expelled from school. Such~~
22 ~~expelled person shall remain ineligible for the issuance of a new license, or for the renewal or reinstatement of a present or~~

23 former license until the Division receives such proof as it may require that such person is again eligible for a driver's
24 license.

25 ~~(2) An expelled person whose license has been suspended may have such license reinstated, or a new license
26 issued, if any of the following requirements are met:~~

27 ~~a. The length of the expulsion is complete;~~

28 ~~b. Such person is 19 years of age or older; or~~

29 ~~c. Two years have elapsed since the date of expulsion.~~

30 ~~(3) To have a driver's license reinstated, or to obtain a new license, an expelled student must meet one of the
31 requirements set forth in paragraph (c)(2) of this section; must apply in person to the Division of Motor Vehicles; and
32 must provide the Division with verification from the school, or such proof as the Division may require.~~

33 ~~(4) Where a person does not have a driver's license because the Division has suspended or refused to renew a
34 license to such person in accordance with this section, such person may apply to the Division for a conditional license.
35 The Division shall not issue any conditional license under this section unless such person's application:~~

36 ~~a. Is made upon a form prescribed by the Division, and sworn to by the applicant;~~

37 ~~b. Contains a statement setting forth those hardships which would occur if a conditional license were not
38 granted; and~~

39 ~~c. Contains a sworn statement that the applicant shall comply with all conditions placed upon such
40 conditional license.~~

41 Section 2. Amend § 2707 of Title 21 of the Delaware Code by making deletions as shown by strike through,
42 insertions as shown by underline and redesignate as follows:

43 § 2707 License qualifications.

44 (b) The Department shall not issue an operator's or chauffeur's license to any:

45 ~~(12) Person who has been expelled from a public school, where the Department has been notified by the
46 school of such expulsion, until the expelled person presents such proof to the Department as the Department may
47 require that such person complies with one of the requirements set forth in § 4130(e)(2) of Title 14.~~

SYNOPSIS

Previously, a school superintendent was required to notify the DMV any time a student was expelled from a public school, at which time the DMV was permitted to suspend or refuse to issue or renew the expelled student a driver's license. This bill eliminates the ability for the DMV to suspend a student's driver's license who has been expelled from a public school.