



SPONSOR: Rep. K. Williams & Rep. Kowalko & Sen. Lockman  
Reps. Baumbach, Briggs King, Cooke, K. Johnson,  
Matthews, Osienski, Michael Smith; Sens. Paradee,  
Pettyjohn, Sokola

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 192

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ENROLLMENT OF PUBLIC SCHOOL STUDENTS.

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

1 Section 1. Amend § 404, Title 14 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 404. Receiving district and local education agency procedures.

4 (f) No later than November 30 of each year, the board of each receiving district shall transmit to the Department  
5 of Education notice of the capacity of each school in the receiving district for the following academic year and the projected  
6 enrollment for the following academic year. The capacity and projected enrollment figures may be revised until January 30.  
7 For the purposes of this subsection, "capacity" ~~shall have~~ has the same meaning as ~~set forth in § 405(d)~~ under § 405(e) of  
8 this title, and "projected enrollment" ~~shall mean~~ means the total number of returning students and new attendance zone  
9 students the receiving district anticipates will enroll for the following academic year.

10 Section 2. Amend § 405, Title 14 of the Delaware Code by making deletions as shown by strike through and  
11 insertions as shown by underline as follows and by redesignating accordingly:

12 § 405. Criteria for approval or disapproval.

13 (b)(1) Prior to the applicable application deadline established in § 403(a) of this title, each receiving district shall  
14 adopt and make available a policy establishing criteria for acceptance or rejection of applications and setting priorities for  
15 acceptances consistent with this section. Such criteria shall be reasonably related to the nature of the program or school for  
16 which the application is submitted and may not differ from the criteria used for acceptance or rejection of applications  
17 submitted by parents of children residing in the attendance zone of the school, if applicable, except that a district shall give  
18 priority to the following categories of students in the order listed:

19 ~~(3)~~c.1. Third, to the siblings of students already enrolled in the school who will be returning to the school for  
20 the following academic year, provided that any siblings seeking priority under this paragraph meet the requirements for

21 the program or school. Priority may be given to siblings of students who live in the district over siblings of students  
22 who do not live in the district.

23 2. In addition to ~~the above paragraph (b)(3)a. of this section,~~ a receiving district may next give priority to  
24 students who have designated the program or school as a first, second, or third choice; to students who live within  
25 the district; and to children of school employees; as long as they otherwise meet the criteria of the program or  
26 school.

27 (2) After a receiving district has admitted all qualifying students consistent with the criteria in ~~this subsection~~  
28 paragraph (b)(1) of this section, the receiving district shall use a lottery process to admit additional students and  
29 generate a ranked waiting list. The Department may verify the randomness of the lottery process. A lottery conducted  
30 under this subsection must be conducted by a third party that the Department and the Board of Education have  
31 approved.

32 Section 3. Amend § 506, Title 14 of the Delaware Code by making deletions as shown by strike through and  
33 insertions as shown by underline as follows:

34 § 506. Restrictions.

35 (g) A lottery to fill seats in the case of over-enrollment must be a random lottery and must be conducted by a third  
36 party that the Department and the Board of Education have approved.

37 Section 4. Amend Chapter 26, Title 14 of the Delaware Code by making deletions as shown by strike through and  
38 insertions as shown by underline as follows:

39 § 2606. Conduct of enrollment lottery.

40 For a school year in which the number of applications for admission exceeds the number of students to be  
41 enrolled, a county vocational-technical high school district or county vocational-technical center district shall conduct a  
42 random lottery to admit students. The random lottery must be conducted by a third party that the Department and the Board  
43 of Education have approved.

44 Section 5. This Act takes effect for all applications and lotteries conducted for the 2020 through 2021 school year  
45 and all subsequent school years.

#### SYNOPSIS

To address concerns regarding the actual and perceived fairness of lottery admissions to choice, charter, and vo-tech schools, this Act requires that a third party approved by the Department of Education and the State Board of Education conduct the lottery. The Department of Education currently has a contract with Data Service Center to perform the choice lottery for all schools and districts in Delaware. There is no cost to the districts or charters.