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HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 223

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL DISTRICTS,
VOCATIONAL SCHOOL DISTRICTS, CHARTER SCHOOLS AND THE SCHOOL CHOICE PROGRAM.

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

1 Section 1. Amend Chapter 4, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 401. Establishment; statement of purpose.

4 (a) There is hereby established an enrollment choice program within the public school system of this State.

5 (b) In establishing this program, it is the goal of the General Assembly to increase access to educational
6 opportunity for all children throughout the State regardless of where they may live. It is therefore the intent of the General
7 Assembly that this chapter be construed broadly to maximize parental choice in obtaining access to educational
8 opportunities for their children.

9 (c) For the school year commencing July 1, 1996, and each succeeding school year, a parent residing within this
10 State may enroll that parent's child in a public school in any reorganized school district, vocational-technical school district,
11 or charter school in the manner provided in this chapter.

12 (d) The forms prescribed and policies adopted pursuant to this chapter shall be available on the websites of the
13 reorganized school districts, vocational-technical school districts, charter schools, ~~and~~ the Department of Education, and the
14 online application.

15 § 402. Definitions.

16 For the purposes of this chapter, the following terms shall have the following meanings:

17 (1) "Application" shall mean the standard application for educational options. This application shall be
18 provided by the Department of Education, which consists of an online application or a written application.

19 (42) "District of residence" shall mean any reorganized school district in which the parent of a student resides.

20 (23) "Good cause" means a change in a child's residence due to a change in family residence, or a change in the
21 state in which the family residence is located within 60 days of obtaining a new lease or mortgage, a change in a child's

22 parent's marital status, a change caused by a guardianship proceeding, placement of a child in foster care, adoption, a
23 change in a waitlist offer as defined in § 405(c) and § 405(d) of this title, participation by a child in a foreign exchange
24 program, a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4161 of this title,
25 or participation by a child in a substance abuse or mental health inpatient or day treatment program, or a set of
26 circumstances consistent with this definition of "good cause."

27 (4) "Online Application" shall mean the standard application receipt and processing tool approved by the
28 Department of Education and used by all reorganized school districts, vocational-technical school districts, and charter
29 schools.

30 (35) "Parent" shall mean parent, relative caregiver pursuant to § 202(f) of this title or legal guardian of the
31 person of the child.

32 ~~(4) "Receiving district" shall mean any reorganized school district other than the district of residence in which~~
33 ~~a student seeks to enroll. Where the district of residence includes more than 1 school or more than 1 program within~~
34 ~~any school providing instruction at a given grade level, and a parent of a child entering such grade level applies to~~
35 ~~enroll that parent's child in a public school program within the district of residence other than the program in which the~~
36 ~~child would normally be enrolled based on the child's place of residence, the district of residence shall also be~~
37 ~~considered to be the receiving district for all purposes of this chapter, except for the purposes of § 408 of this title.~~

38 ~~(5) "Receiving local education agency" shall mean any public authority legally constituted by the State as an~~
39 ~~administrative agency to provide control of and direction for kindergarten through twelfth grade public educational~~
40 ~~institutions, other than the school district of residence, which administers any school or program in which a student~~
41 ~~seeks to enroll, including any receiving district. Where the local education agency is the school district of residence~~
42 ~~that includes more than 1 school or more than 1 program within any school providing instruction at a given grade level,~~
43 ~~and a parent of a child entering such grade level applies to enroll that parent's child in a public school program within~~
44 ~~the district of residence other than the program in which the child would normally be enrolled based on the child's~~
45 ~~place of residence, the district of residence shall also be considered to be the receiving local education agency for all~~
46 ~~purposes of this chapter, except for the purposes of § 408 of this title. Notwithstanding § 505 of this title, the term~~
47 ~~"receiving local education agency" shall include charter schools.~~

48 (6) "Working days" shall mean working days as determined by a local education agency's administrative
49 calendar.

50 § 403. Pupil application; withdrawal.

51 (a) Any parent of a school age child may apply to enroll that parent's own child in a school or program in a
52 ~~receiving local education agency reorganized school district, vocational-technical school district, or charter school~~ by
53 submitting ~~a~~ an online application or written application, on a standard form provided by the Department of Education, to
54 the Department of Education or to the ~~receiving local education agency reorganized school district, vocational-technical~~
55 ~~school district, or charter school~~ and to the district of residence on or after the first Monday in November and on or before
56 the second Wednesday in January for enrollment during the following school year, except that a parent may apply to a
57 receiving local education agency until the first day of the school year for enrollment in a kindergarten program during that
58 school year. Any student not currently registered in a public school in the State of Delaware must be registered in their
59 school of residence before submitting a Delaware standard application for education options. The Department of Education
60 shall distribute any written applications received to the appropriate ~~receiving local education agency reorganized school~~
61 ~~district, vocational-technical school district, or charter school~~ no later than the second Friday in January each year. ~~10~~
62 ~~working days after the application deadlines set forth in this subsection.~~ Any written application received shall be entered
63 into the online application system by the reorganized school district, vocational-technical school district, or charter school.
64 ~~Receiving districts~~ A reorganized school district, vocational-technical school district, or charter school may require the
65 submission of information beyond that contained in the standard form, ~~provided that it requires the submission of the same~~
66 ~~information by the parents of children residing in the attendance zone for the school only if the additional information is~~
67 directly related to any identified enrollment preferences enumerated in §§ 405, 506, or 2605 of this title. Notwithstanding
68 the requirements of this subsection, charter schools, vocational-technical school districts, and magnet schools may accept
69 online and written applications submitted after the second Wednesday in January to fill remaining availability.

70 (b) If a parent of a school age child fails to file an application by the deadline established in subsection (a) of this
71 section, and good cause exists for the failure to meet the deadline, the ~~receiving local education agency reorganized school~~
72 ~~district, vocational-technical school district, or charter school~~ and the district of residence shall accept and consider the
73 application in the same manner as if the deadline had been met.

74 (c) The parent of a school age child may withdraw the application at any time prior to action on the application by
75 the ~~board of the receiving local education agency reorganized school district, vocational-technical school district, or charter~~
76 ~~school~~ by giving written notice to the ~~boards of the receiving local education agency reorganized school district, vocational-~~
77 ~~technical school district, or charter school~~ and the district of residence.

78 (d) The parent shall indicate on the standard form the schools and programs to which the parent is applying on
79 behalf of his or her child, as well as the parent's order of preference of the schools or programs.

80 § 404. ~~Receiving district and local education agency procedures.~~ Reorganized school district, vocational-technical
81 school district, and charter school procedures.

82 (a) ~~Within 10 working days after an application deadline, the receiving district shall transmit a notice to the district~~
83 ~~of residence that it has received the application.~~ [Reserved.]

84 (b) ~~The board of the receiving local education agency reorganized school district, vocational-technical school~~
85 ~~district, or charter school shall take action no earlier than the second Thursday in January and no later than the last day of~~
86 ~~February of the school year preceding enrollment to approve or disapprove an application for admission to a program in~~
87 ~~grades 1 through 12, and no later than June 15 of the school year preceding enrollment to approve or disapprove an~~
88 ~~application for admission to a kindergarten program. Charter schools, vocational-technical school districts, and magnet~~
89 ~~schools may act on applications accepted in accordance with the provisions of § 403(a) of this title to fill remaining~~
90 ~~availability.~~

91 (c) With respect to any application filed in accordance with the provisions of § 403(b) of this title, ~~the board of the~~
92 ~~receiving local education agency reorganized school district, vocational-technical school district, or charter school shall~~
93 ~~take action to approve or disapprove the application no later than 45 calendar days after receipt thereof, unless the~~
94 ~~application is received prior to a lottery conducted as outlined in a local education agency's reorganized school district,~~
95 ~~vocational-technical school district, or charter school's enrollment policy in the case of over-enrollment.~~

96 (d) ~~The board of the receiving local education agency reorganized school district, vocational-technical school~~
97 ~~district, or charter school shall transmit a notice of the board's reorganized school district, vocational-technical school~~
98 ~~district, or charter school's action to the parent of the child, and to the board of the district of residence within 5 working~~
99 ~~days after board of the action.~~

100 (e) The parent who applied for the child shall notify the ~~board of the receiving local education agency reorganized~~
101 ~~school district, vocational-technical school district, or charter school in writing no later than the third Friday in March,~~
102 ~~whether an offer is accepted or rejected. For purposes of this section, written notice may include any notification through~~
103 ~~the state sponsored online choice application system.~~

104 (f) No later than November 30 of each year, the board of each ~~receiving district reorganized school district shall~~
105 ~~transmit to the Department of Education notice of the capacity of each school in the receiving district reorganized school~~
106 ~~district for the following academic year and the projected enrollment for the following academic year. The capacity and~~
107 ~~projected enrollment figures may be revised until January 30. For the purposes of this subsection, "capacity" shall have the~~
108 ~~same meaning as set forth in § 405(d) 405(e) of this title, and "projected enrollment" shall mean the total number of~~

109 returning students and new ~~attendance zone~~ students the ~~receiving district~~ reorganized school district anticipates will enroll
110 for the following academic year.

111 (g) No later than October 31 of each year, each ~~receiving district~~ reorganized school district and vocational-
112 technical school district shall hold at least 1 public information session about choice opportunities available in schools and
113 programs in that district for the coming academic year.

114 § 405. Criteria for approval or disapproval.

115 (a) Each ~~receiving local education agency~~ reorganized school district, vocational-technical school district, and
116 charter school shall adopt and make available a policy regarding the order in which applications for enrollment pursuant to
117 this chapter shall be considered and the criteria by which such applications shall be evaluated.

118 (b) Prior to the applicable application deadline established in § 403(a) of this title, each ~~receiving district~~
119 reorganized school district, vocational-technical school district, and charter school, as required pursuant to § 504A(9) or
120 this title, shall adopt and make available a policy establishing criteria for acceptance or rejection of applications and setting
121 priorities for acceptances consistent with this section. Such criteria shall be reasonably related to the nature of the program
122 or school for which the application is submitted ~~and may not differ from the criteria used for acceptance or rejection of~~
123 ~~applications submitted by parents of children residing in the attendance zone of the school, if applicable,~~ except that a
124 reorganized school district shall give priority to the following categories of students in the order listed:

125 (1) First, to returning students who continue to meet the requirements for the program or school, including
126 students graduating from 1 school to another within a single program;

127 (2) Second, to students who meet the requirements for the program or school and who seek to attend based
128 upon the residence of the student's parent within the designated feeder pattern, if any, for the school; and

129 (3) Third, to the siblings of students ~~already~~ currently enrolled in the school or in a program in accordance
130 with subsection (b)(2) of this section who will be returning to the school for the following academic year, provided that
131 any siblings seeking priority under this paragraph meet the requirements for the program or school. Priority ~~may~~ must
132 be given to siblings of students who live in the reorganized school district where the school is located, ~~over and may be~~
133 given to siblings of students who do not live in the reorganized school district where the school is located.

134 In addition to the above, a ~~receiving district~~ reorganized school district may next give priority to students who
135 have designated the program or school as a first, second, or third choice; to students who live within the district; and to
136 children of school employees as defined in the reorganized school district's policy; as long as they otherwise meet the
137 criteria of the program or school. Sussex County Vocational-Technical High School District and charter schools shall
138 follow enrollment preferences under § 2605 of this title and § 506(b) of this title, respectively. ~~After a receiving~~ If a

139 reorganized school district, vocational-technical school district or charter school receives more qualified applicants than
140 capacity available, the has admitted all qualifying students consistent with the criteria in this subsection, the receiving
141 reorganized school district, vocational-technical school district or charter school shall use a lottery process to admit
142 additional students and generate a ranked waiting list. For any reorganized school district, vocational-technical school
143 district or charter school not using the lottery process within the state approved online system. The the Department may
144 shall verify the randomness of the lottery process.

145 (c) Each receiving local education agency-reorganized school district, vocational-technical school district and
146 charter school shall accept applications, in a manner consistent with the policy adopted pursuant to this subsection, until
147 there is a lack of capacity in each school and program. Students who meet the receiving local education agency's
148 reorganized school district, vocational-technical school district or charter school's criteria for acceptance in the policy but
149 who are not selected due to a lack of capacity in the school or program shall be placed on a ranked waiting list maintained
150 by the receiving local education agency-reorganized school district, vocational-technical school district or charter school
151 until the first day of the receiving local education agency's September 1 of the school year for which they applied at which
152 time the waiting list expires and additional invitations may not be extended from the waiting list.

153 (d) An offer of acceptance and notification to a reorganized school district, vocational-technical school district or
154 charter school in accordance with the provisions of § 404(e) may be withdrawn prior to September 2 by the parent to accept
155 a waitlist offer to a reorganized school district, vocational-technical school district or charter school consistent with
156 subsection (c) of this section.

157 (d) (e) Consistent with subsection-subsections (b) and (c) of this section, a receiving local education agency
158 reorganized school district or vocational-technical school district may disapprove an application because of lack of capacity
159 in a particular program or school. For purposes of this section, "capacity" means the maximum number of students that a
160 program or school can contain as determined solely by considerations of physical space, physical resources, specific
161 program requirements, and class size for each grade level. For the purposes of this section, "lack of capacity" for a
162 reorganized school district means that the school or program calculates projected enrollment for the following academic
163 year to be at least 85% of its capacity.

164 (e) (f) A reorganized school district which is subject to a court-ordered desegregation plan may approve and
165 disapprove applications in accordance with § 406(a) of this title.

166 § 406. Racial balance.

167 (a) If approval of all of the applications for transfer into or out of a reorganized school district would result in the
168 reorganized school district being out of compliance with any applicable court-ordered desegregation plan, the reorganized

169 school district shall establish the number of majority and minority group pupils who may transfer into or out of the
170 reorganized school district.

171 (b) Any action by the board of the district of residence to disapprove the application pursuant to this section shall
172 be taken no later than March 15 of the school year preceding enrollment.

173 (c) The board of the district of residence shall transmit a notice of the board's action pursuant to this section to the
174 parent within 5 working days after board action.

175 § 407. Duration of enrollment in ~~receiving district~~ reorganized school district, vocational-technical school district
176 or charter school.

177 (a)(1) A pupil accepted for enrollment in a school or program pursuant to this chapter shall be entitled to remain
178 enrolled therein until graduation from the school or completion of the program provided that the pupil continues to meet the
179 requirements for such school or program, provided however, that upon the concurrence of the boards of both the district of
180 residence and the ~~receiving district~~ reorganized school district, vocational-technical school district or charter school, a
181 pupil's right to remain enrolled may be terminated prior to graduation from or completion of the program where such
182 termination is based upon the pupil's

183 a. Failure to continue to comply with the ~~receiving district's~~ reorganized school district, vocational-
184 technical school district or charter school's requirements for attending school or class, or

185 b. Multiple violations of, or one or more serious violations of, the ~~receiving district's~~ reorganized school
186 district, vocational-technical school district or charter school's student code of conduct.

187 (2) A pupil accepted for enrollment in a school or program pursuant to this chapter shall remain enrolled until
188 one of the following occurs: ~~therein for a minimum of 2 years unless, during that 2-year period,~~

189 a. ~~A pupil graduates from the school or completes the program;~~

190 b. ~~The pupil's parent or parents cease to be residents of the pupil's original district of residence;~~

191 c. ~~At the conclusion of any academic year during such 2-year period, the pupil ceases to meet the~~
192 ~~academic requirements for such school or program;~~

193 d. ~~If daycare was indicated on the relevant choice application as a reason for seeking enrollment, or if~~
194 ~~daycare was a reason for granting priority to consideration of or granting of the relevant choice application, or the~~
195 ~~provider of daycare services to the pupil ceases doing business or relocates to a location so distant from the~~
196 ~~original location as to render the original combination of daycare and choice enrollment no longer reasonably~~
197 ~~practicable for the pupil or the parent or parents of such pupil; or~~

198 e.a. ~~The board of the district of residence, the board of the receiving district reorganized school district,~~
199 vocational-technical school district or charter school, and the parent or parents of the pupil agree for any reason to
200 terminate such ~~enrollment~~; enrollment.

201 f. ~~The provisions of paragraphs (a)(2)a. through (a)(2)e. of this section shall apply unless the receiving~~
202 ~~district, at its sole discretion, agrees to maintain a child in a choice placement. Due to the unique educational and~~
203 ~~developmental needs of primary age children, on a case by case basis, districts may grant exceptions to allow~~
204 ~~students in grades kindergarten through grade 3 to remain in school choice even if they fail to meet required~~
205 ~~educational standards;~~

206 g.b. The pupil's parents or guardians wish to terminate the agreement due to ~~a reported, recorded, and~~
207 ~~substantiated instance of "bullying" against their child as defined in § 4112D of this title~~ a set of circumstances
208 consistent with the definition of "good cause" defined in § 402(3) of this title.

209 (b) Notwithstanding the provisions of subsection (a) and (b) of this section, as such authority is limited by the
210 provisions of subsection (a) and (b), a parent may apply to terminate that parent's own child's enrollment in the receiving
211 district ~~prior to the expiration of the minimum period established in subsection (a) of this section~~ by submitting a written
212 application, on a form provided by the Department of Education, to the child's then-existing district of enrollment no later
213 than December 1 for enrollment during the following school year.

214 (c) If a parent of a child fails to file an application by the deadline of December 1 and good cause exists for the
215 failure to meet the deadline, the child's then-existing ~~district of enrollment reorganized school district, vocational-technical~~
216 school district or charter school shall accept and consider the application in the same manner as if the deadline had been
217 met.

218 (d) The parent of a child may withdraw the application at any time prior to action on the application by the ~~board~~
219 ~~of the child's then-existing district of enrollment reorganized school district, vocational-technical school district or charter~~
220 school.

221 (e) Within 10 working days of receiving an application to withdraw, the child's then-existing ~~district of enrollment~~
222 reorganized school district, vocational-technical school district or charter school shall transmit a notice to the district of
223 residence that it has received the application.

224 (f) The ~~board of the child's then-existing district of enrollment reorganized school district, vocational-technical~~
225 school district or charter school shall take action to approve or disapprove the application no later than December 15 of the
226 school year preceding enrollment.

227 (g) ~~The board of the receiving district~~ child's then-existing reorganized school district, vocational-technical school
228 district or charter school shall transmit a notice of the ~~board's~~ action to the parent of the child and to the board of the district
229 of residence within 5 working days ~~after board action~~.

230 (h) ~~The action of a board in a child's then-existing district of enrollment~~ reorganized school district, vocational-
231 technical school district or charter school to accept an application to terminate enrollment pursuant to this section shall be
232 final; however, nothing in this subsection shall prohibit a ~~board-reorganized school district, vocational-technical school~~
233 district or charter school in its sole discretion from conditioning its approval of termination pursuant to this section upon
234 acceptance of the child into another ~~district-reorganized school district, vocational-technical school district or charter school~~
235 or program pursuant to an application submitted in accordance with chapter.

236 (i) Unless accepted for enrollment in a school or program in another ~~district-reorganized school district,~~
237 vocational-technical school district or charter school pursuant to this chapter, a child whose enrollment in a ~~receiving~~
238 district-reorganized school district, vocational-technical school district or charter school concludes or terminates pursuant to
239 this section shall automatically be re-enrolled in the child's district of residence for the ensuing school year. ~~Any such~~
240 ~~student shall be enrolled by the district of residence according to the feeder pattern in which the child's parent resides~~
241 ~~unless, pursuant to the provisions of § 405(b) of this title, all available space has been filled by returning students, in which~~
242 ~~case the student shall apply and be considered for enrollment in any other school in the district of residence in which there~~
243 ~~is space available in accordance with the provisions of this chapter.~~

244 § 408. State and local education funding.

245 (a) A pupil enrolled in a ~~receiving district~~ reorganized school district, vocational-technical school district or
246 charter school pursuant to this chapter shall be included in the unit count of the ~~receiving district-reorganized school~~
247 district, vocational-technical school district or charter school for all purposes relating to the allocation of all state and
248 federal education funding and shall not be included in the unit count of the district of residence for any such purposes.

249 (b) If a parent of a pupil enrolled outside the district of residence pursuant to this chapter moves during the school
250 year to a reorganized school district different from either the district of residence or ~~the receiving district~~ another
251 reorganized school district in which the child is enrolled, the child's first district of residence shall continue to be
252 responsible for payments to the ~~receiving district-reorganized school district~~ for the balance of the school year pursuant to
253 subsection (e) of this section. The child's new district of residence shall be responsible for all such payments during
254 succeeding years, and such payments shall be calculated as the lower local cost per pupil, as defined in subsection (d) of
255 this section, of the new district of residence and the ~~receiving-reorganized school district~~.

256 (e) The district of residence shall, except as provided for in subsection (h) of this section, pay to the ~~receiving~~
257 reorganized school district the lower local cost per pupil expenditure of the 2 districts, adjusted by an inflation factor
258 specified annually in the annual appropriations act, such payment to be made by November 30 of each year. In the case of a
259 district of residence that has a higher local cost per pupil than the ~~receiving-reorganized school~~ district, the district of
260 residence shall pay in to a special fund to be known as the "School Choice Fund," the difference per pupil between their
261 local cost per pupil expenditure and that of the ~~receiving-reorganized school~~ district. The Department of Education shall
262 establish and administer the School Choice Fund as an appropriated special fund account. Deposits by districts of residence
263 to this account shall also be completed by November 30 of each school year.

264 (f) Once all payments have been made pursuant to subsections (b) and (e) of this section, the full amount in the
265 "School Choice Fund" account shall be allocated to all ~~receiving-reorganized school~~ districts that had a local cost per pupil,
266 as defined in subsection (d) of this section, that was higher than the district of residence for pupils choosing to attend
267 schools in districts other than their district of residence. These funds shall be provided in a pro-rata fashion so that the gap
268 that exists in a ~~receiving-reorganized school~~ district between the local per pupil cost in the ~~receiving-reorganized school~~
269 district and the amount paid by the district of residence is closed by an equal percentage in each ~~receiving-reorganized~~
270 school district.

271 (g) Once all payments have been made pursuant to subsections (b), (e) and (f) of this section, the State, from the
272 annual appropriations made for Division III Equalization and/or that portion of the Growth and Upgrade Contingency that
273 represents actual Division III Equalization unit growth, will provide funding to all ~~receiving-reorganized school~~ districts
274 that had a local cost per pupil, as defined in subsection (d) of this section, that was higher than the district of residence of
275 pupils who choose to attend school in said ~~receiving-reorganized school~~ districts. This funding will be provided to each
276 such ~~receiving-reorganized school~~ district so that the gap that exists in such ~~receiving-reorganized school~~ district between
277 the local per pupil expenditures in the ~~receiving-reorganized school~~ district and the amount paid by the district of residence
278 is closed by an equal percentage in each ~~receiving-reorganized school~~ district to the extent that the actual appropriations
279 allow.

280 (i) Any payment received by a ~~local-reorganized~~ school district pursuant to this section may be used for current
281 operations, local share of minor capital improvements, local debt service payments or to make tuition payments.

282 (j) In the event of any mid-year termination of a pupil's enrollment under this chapter, ~~nothing contained in this~~
283 ~~section shall prevent the district of residence and the receiving district from entering into an agreement the sending~~
284 reorganized school district, vocational-technical school district or charter school and the new reorganized school district,
285 vocational-technical school district or charter school shall enter into an agreement providing for the pro-ration of student

286 funding based on a formula prescribed by the Department of Education. ~~between or among the district of residence, the~~
287 ~~receiving district, a successor district of residence and/or a successor receiving district.~~

288 § 409. Transportation.

289 The parent of any child enrolled in a reorganized school district other than the district of residence, or enrolled in a
290 school within the district of residence other than the school in which the child would normally be enrolled based upon the
291 residence of the child's parent or parents, shall be responsible for transporting the child without reimbursement to and from
292 a point on a regular bus route of the ~~receiving~~ reorganized school district.

293 § 410 Interscholastic sports.

294 (a) A student enrolled in grades 10 through 12, inclusive, in a receiving local education agency shall not be
295 eligible to participate in interscholastic athletic contests or competitions during the first year of enrollment in any receiving
296 local education agency if the student was enrolled in a different receiving local education agency during the preceding
297 school year unless the interscholastic sport in which the student wishes to participate is not offered in the receiving local
298 education agency in which the student was enrolled in the previous school year.

299 (b) The Board of Directors of the Delaware Interscholastic Athletic Association may waive the ineligibility in
300 subsection (a) of this section if the Board of Directors determine, in accordance with its rules and regulations, that the
301 standards for granting a waiver have been met.

302 (c) A waiver of subsection (a) of this section is not required for a student who transfers to and enrolls in grades 10
303 through 12 in a receiving local education agency that is a charter school:

304 (1) In the charter school's first year of operation; or

305 (2) In the charter school's first year of serving grades 10, 11, or 12.

306 § 411. Pupils suspended, expelled, or truant ~~in district of residence.~~

307 If a child for whom an application has been submitted to a reorganized school district, vocational-technical school
308 district or charter school pursuant to this chapter has been suspended for multiple violations of, or one or more serious
309 violations of, the student code of conduct or expelled, as such authority is limited by the provisions of § 2605 of this title, or
310 has been absent from school without a valid excuse for more than 15 school days during a school year, in the ~~district of~~
311 ~~residence~~ child's current school, the board of the receiving district reorganized school district, vocational-technical school
312 district or charter school may, in its sole discretion, refuse to consider the application or refuse to approve the application,
313 or refuse to enroll the child in the ~~receiving district reorganized school district, vocational-technical school district or~~
314 charter school until the child has been reinstated in the ~~district of residence~~ current school, provided, however that nothing
315 in this section shall be construed to enlarge upon the authority of any district to accept for re-enrollment any student who

316 has been expelled from a public school district in this State, as such authority is limited by the provisions of § 4130 of this
317 title. "Valid excuse" shall have the same meaning as in § 2721 of this title.

318 § 412. Credits; graduation.

319 A pupil who has been enrolled in a ~~receiving district~~ reorganized school district, vocational-technical school
320 district or charter school and who has met that ~~district's~~ reorganized school district, vocational-technical school district or
321 charter school's graduation requirements shall be granted a diploma by that ~~district~~ reorganized school district, vocational-
322 technical school district or charter school. That ~~district~~ reorganized school district, vocational-technical school district or
323 charter school shall accept credits toward graduation requirements that were awarded by another ~~district~~ reorganized school
324 district, vocational-technical school district or charter school.

325 § 413. Discipline not affected.

326 Nothing in this chapter shall be deemed to affect or alter ~~district~~ reorganized school district, vocational-technical
327 school district or charter school policies with regard to disciplining students, including suspensions or expulsions.

328 § 414. Intra-district choice.

329 Where the district of residence includes more than one school or more than one program within any school
330 providing instruction at a given grade level, a parent of a child entering such grade level may apply to enroll that parent's
331 own child in any public school program within the district of residence other than the program in which the child would
332 normally be enrolled based on the child's place of residence in the manner provided in this chapter, and in such cases, the
333 district of residence shall also be considered to be the ~~receiving district~~ reorganized school district for all purposes of this
334 chapter, except that the provisions of § 408 of this title shall not apply to any such applications or changes in enrollment.

335 § 415. Regulations.

336 The Department of Education shall be authorized to promulgate regulations necessary to implement this chapter.

337 Section 2. Amend § 506, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
338 insertions as shown by underline as follows:

339 § 506. Restrictions.

340 (b) Preferences in student admissions may be given to:

341 (1) Siblings of students currently enrolled at the school in the school who will be returning to the school for
342 the following academic year, provided that any siblings seeking priority under this paragraph meet the requirements for
343 the program or school;

344 (c)(1) On or before ~~April~~ May 1 of each school year, a charter school shall have enrolled, at a minimum, 80% of
345 its total authorized number of students, and the administrator of each charter school shall, pursuant to the requirements

346 below, provide a written certification of that enrollment to the Department of Education and to the superintendent of each
347 public school district in which 1 or more of the charter school's students reside.

348 (d) A pupil accepted for enrollment in a charter school pursuant to this chapter shall remain enrolled therein for a
349 minimum of 1 year unless, during that 1-year period, good cause exists for the failure to meet this requirement. For
350 purposes of this section only, "good cause" shall be defined as a change in a child's residence due to a change in family
351 residence, or a change in the state in which the family residence is located within 60 days of obtaining a new lease or
352 mortgage, a change in the marital status of the child's parents, a change caused by a guardianship proceeding, placement of
353 a child in foster care, adoption, a change in a waitlist offer as defined in § 405(c) and § 405(d) of this title, participation by
354 a child in a foreign exchange program, participation by a child in a substance abuse or mental health inpatient or day
355 treatment program, a reported, recorded and substantiated instance of "bullying" against their child as defined in §
356 ~~4112D~~4161 of this title, mutual agreement by the board of directors of the charter school, the board of the receiving district
357 and the parent or parents or guardian of such child to the termination of such enrollment, or a set of circumstances
358 consistent with this definition of "good cause."

359 Section 3. Amend § 509, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
360 insertions as shown by underline as follows:

361 § 509. School financing.

362 (j) If after September 30, a pupil ceases to be enrolled in a charter school and is thereafter enrolled in a reorganized
363 school district, vocational-technical school district or another charter school as allowed by § 402(2) of this title, ~~for the~~
364 ~~balance of the fiscal year, nothing contained in this section shall prevent a charter school which has received any funding~~
365 ~~for the student and the school district in which the student is subsequently enrolled from entering into an agreement the~~
366 charter school and the new reorganized school district, vocational-technical school district or charter school shall enter into
367 an agreement providing for the proration of student funding based on a formula prescribed by the Department of Education
368 ~~between or among the charter school and the school district in which the student is subsequently enrolled~~. Funding in any
369 subsequent fiscal year shall be as otherwise provided in this Code.

370 Section 4. Amend § 2605, Title 14 of the Delaware Code by making deletions as shown by strikethrough and
371 insertions as shown by underline as follows:

372 § 2605. Enrollment in the Sussex County Vocational-Technical High School District.

373 (c) The Sussex County Vocational-Technical High School District may only provide preferences in student
374 admissions to:

375 (1) Siblings of students currently enrolled ~~at the school~~ in the school who will be returning to the school for
376 the following academic year, provided that any siblings seeking priority under this paragraph meet the requirements for
377 the program or school; and

378 (2) Children of persons employed on a permanent basis for at least 30.0 hours per week during the school year
379 by the Sussex County Vocational-Technical High School district.

380 Section 5. This Act shall take effect beginning with the enrollment process for the 2019-2020 school year

SYNOPSIS

Since 1996, students across Delaware have participated in school choice. Currently, reorganized school districts, vocational technical school districts, and charter schools do not follow the same processes thus causing confusion and barriers for families seeking to access choice for their children. This Act aims to streamline the school choice process, making it easier and clearer for parents, guardians, and school administrators to navigate. This Act requires reorganized school districts, vocational-technical school districts, and charter schools to use a standard online application receipt and processing tool approved by the Department that is offered at no charge. It also clarifies that the application deadlines apply to all students, regardless of age or school. Additionally, it will prohibit schools from asking for additional information that does not directly pertain to an enrollment or program criterion. The bill will make the timing uniform for the ranked waitlist process. It aligns the sibling preference across all school types and eliminates the separate charter school April 1st enrollment requirement of 80% and moving to May 1st to allow for parents to make a final, informed decision. Under this bill, in the event of a mid-year termination of a pupil's enrollment, the sending reorganized school district, vocational-technical school district, or charter school and the receiving reorganized school district, vocational-technical school district, or charter school shall enter into an agreement providing for the pro-ration of student funding based on a formula prescribed by the DDOE.