



SPONSOR: Rep. Wilson-Anton & Rep. Dorsey Walker &
Sen. Sturgeon
Reps. Baumbach, Griffith, Kowalko, Morrison, Osienski,
Shupe; Sens. S. McBride, Sokola, Townsend

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 163

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL ATTENDANCE AND RELIGIOUS HOLIDAYS.

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

1 Section 1. Amend § 122, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 122. Rules and regulations.

4 (b) The Department shall prescribe rules and regulations:

5 (10) Providing for the enforcement of school attendance laws of this State, controlling the necessary absence
6 of pupils enrolled in the public schools, and determining the circumstances under which such absence shall be
7 considered necessary. For purposes of this section, and all other provisions of this title relating to pupil attendance, the
8 circumstances under which an absence shall be considered necessary include observance of a religious holiday. Rules
9 and regulations on this subject, which shall include a list of religious holidays on which a pupil's absence shall be
10 excused, shall be proposed by the Secretary subject to approval by the State Board of Education; Education. The list of
11 religious holidays proposed by the Secretary is not a limit on the power of school districts or charter schools to excuse
12 absence on any other day for religious observance;

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

15 § 2707. Religious holidays.

16 (a) A pupil's absence from school for the observance of a religious holiday is a necessary and excused absence.

17 (b) A signed, written excuse from the pupil's parent or guardian may be required in order to excuse an absence
18 under this section.

19 (c) A pupil of any public school, who is absent by reason of observance of a religious holiday, may not be
20 deprived of any award or eligibility or opportunity to compete for any award.

21 (d) School districts and charter schools must have a policy discouraging teachers from scheduling major grading
22 events, such as tests, examinations, presentations, or project due dates on religious holidays. A pupil who misses a grading
23 event due to excused absence for observance of a religious holiday must be allowed the opportunity to take an alternate test
24 or given some other means to recover credit.

25 Section 3. The Department of Education shall issue proposed regulations to implement this Act to the Register of
26 Regulations within 90 days of its enactment into law.

SYNOPSIS

The Delaware Code does not currently contain any explicit direction for public schools relating to school absences for observance of religious holidays. This Act requires schools to excuse a pupil's absence for observance of a religious holiday, and further requires districts and charters to have a policy discouraging teachers from scheduling tests, presentations and the like on days where some students may be absent for a religious holiday. A pupil who does miss a grading event must be allowed to make-up the test or otherwise recover credit. The Department of Education is directed to promulgate rules and regulations relating to implementation of this Act, including a list of holidays on which an absence for religious observance must be excused.