



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: February 22, 2016

TO: The Honorable Members of the Delaware General Assembly

FROM: Robert D. Overmiller, Chairperson
GACEC

RE: **House Bill No. 261 (Alternative Schools)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 261**, which would authorize the disenrollment of expelled students and "students subject to placement in an alternative school without expulsion" and impose financial responsibility on schools that do not respond to charter school requests for information on the expulsion status of applicants.

As background, current law disallows a student expelled from a public school from enrolling in another public school until the term of the expulsion has expired. See lines 4-8. A public school is expected to contact the prior public school to determine if an applicant is under a current expulsion order (lines 9-14).

House Bill No. 261 suggests that some districts do not respond to charter school requests for information about an applicant's expulsion status. As a result, the synopsis says the student is enrolled and the charter school is barred from dis-enrolling the student if it later discovers the student is under an expulsion order. This is characterized as a "loophole" from which districts benefit financially.

H.B. No. 261 would authorize "disenrollment" of expelled and "students subject to placement in an alternative school without expulsion" and impose financial responsibility on the non-responding school (lines 4-5 and 14-18). Council would like to share the following observations.

First, Council is not aware of any statutory or regulatory bar on the disenrollment of a student based on the post-enrollment discovery that the student is under an expulsion order from another school. Since the existing statute bars enrollment of an expelled student, it would be logical for a without-fault school to dis-enroll a student.

Second, if an "enrolling" school is not receiving a timely response from the former school, it could presumably obtain expulsion status information from the Delaware Department of Education (DOE). See attached excerpt from DOE PowerPoint Presentation published at http://www.doe.k12.de.us/cms/lib09/DE01922744/Centricity/Domain/156/Summer_2013_RegReview_Updates.pdf.

Expelled students are reported to the DOE.

Third, while omitted from the synopsis, the bill greatly expands the scope of students who cannot enroll in other schools. While the current law bars enrollment of expelled students, House Bill No. 261 expands the bar to any student “subject to placement in an alternative school for discipline without expulsion” (line 5) and characterizes such students as under a “placement order” (lines 12, 13, and 21). State law (14 Del.C. §1604) authorizes, but does not require, students who “have serious violations of the local school district conduct code” to be served in an alternative school. There may be many circumstances in which the parent of a student manifesting behavioral problems may wish to try a different school, including availability of a better Positive Behavioral Supports program, availability of a school health center with counseling, availability of an after-school program, or separation of student from peers who are a “bad influence”. Indeed, there are charter schools which ostensibly specialize in addressing students with behavioral profiles. This bill would categorically prevent students with serious violations of a discipline code who have not been expelled from enrolling in charter schools specializing in troubled or challenged youth.

See, e.g., Positive Outcomes, <http://www.positiveoutcomescs.org/> and Prestige Academy, <http://www.prestigeacademycs.org/> Parents of troubled or challenged children would benefit from options to meet the unique needs of their children. Alternative schools should not be made the exclusive placement for students with behavioral difficulties.

Thank you for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

CC: The honorable Carla Benson-Green, Secretary – Dept. of Services for Children, Youth & their Families
Susan A. Ccyk, M.Ed., CRC, Director, Division of Prevention and Behavioral Health Services
Steve Yeatman, DPBHS

Attachments