



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

DATE: February 24, 2017

TO: The Honorable Members of the Delaware General Assembly

FROM: Dafne A. Carnright, Chairperson
GACEC

RE: **House Bill No. 23 (Student Withdrawal from School)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 23** would make the withdrawal of a student over the age of 16 from school prior to graduation explicitly conditioned on the following: 1) written parental consent; and 2) an exit interview. The exit interview would include disclosure of information about the effects of dropping out of school and the availability of support services to assist the student in remaining enrolled in school. The requirement of parental consent is seemingly already required by law. See Title 14 Del.C. §2722(b):

(b) No pupil who could otherwise legally fail to attend school pursuant to §2702(a) of this title may do so without the written consent of such person or persons having the legal control of that pupil.

GACEC **endorses** the proposed legislation subject to an amendment clarifying that parental consent is only necessary for minors and would like to share the following observations.

First, the requirement of an exit interview is a sensible measure which should promote informed decision-making.

Second, the sponsors may wish to consider limiting the parental consent requirement to minors. Without such a limit, a student aged 18-21 would literally be required to have parental consent to withdraw from school. Since the student is an adult, requiring parental consent to withdraw from school is not appropriate. Indeed, the definition of "parent" for purposes of school attendance only extends to students under age 18. See Title 14 Del.C. §2721. Furthermore, the truancy law [§2722(b)] only contemplates parental/guardian consent if there is "legal control" of

a student. Finally, special education students generally assume parental rights upon attainment of age 18. See 14 Del.C. §3101(7). Cf. Title 1 Del.C. §701.

Third, Council notes there is no fiscal note accompanying the bill. The synopsis describes the intent as lowering the dropout rate and encouraging students to complete high school. Other legislation with the expected effect of deterring withdrawal from school has been accompanied by a fiscal note. See, e.g., current House Bill No. 17 and House Bill No.55.

Fourth, Council would ask that the sponsors consider expanding the bill to remove an existing incentive to drop out of school. Under Department of Education regulation, a student is not permitted to take a high school equivalency test or GED test unless the student has formally withdrawn from school. See 14 DE Admin Code 910. Some students who are on the fence regarding pursuit of a GED versus a diploma might stay in school if allowed to pursue a GED without the necessity of dropping out. For example, some older students may have so few credits towards graduation that it is highly unlikely that they could qualify for a diploma by age 21.

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

CC: The Honorable Susan L. Bunting, Department of Education
Dr. Terri Quinn-Gray, State Board of Education