



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: February 29, 2016

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 261 (Alternative Schools]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 261 relating to student records and enrollment. 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).

H.B. 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 disenrolling the student if it later discovers the student is under an expulsion order. This is characterized as a "loophole" from which districts benefit financially. The proposed legislation 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). SCPD has the following observations.

First, SCPD is aware of no statutory or regulatory bar on "disenrollment" of a student based on the post-enrollment discovery that the student is under an expulsion order. Since the existing statute bars enrollment of an expelled student, it would be logical for a "without-fault" school to disenroll a student.

Second, if an "enrolling" school is not receiving a timely response from the former school, it could ostensibly obtain expulsion status from the State Department of Education. See attached excerpt from DOE PowerPoint Presentation published at:

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, H.B. 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 unexpelled students with serious violations of a discipline code 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 their children’s unique needs. Alternative schools should not be made the exclusive placement for students with behavioral difficulties.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations on the proposed legislation.

cc: The Honorable Steven Godowsky, Ed.D, Secretary of Education
Ms. Susan Ccyk, DPBHS
Mr. Steve Perales, DPBHS
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 261 alternative schools 2-22-16

EXCERPT

Delaware Department of Education
School Climate &
Discipline Program
Regulation Review & Updates

Summer 2013

John Sadowski, DDOE

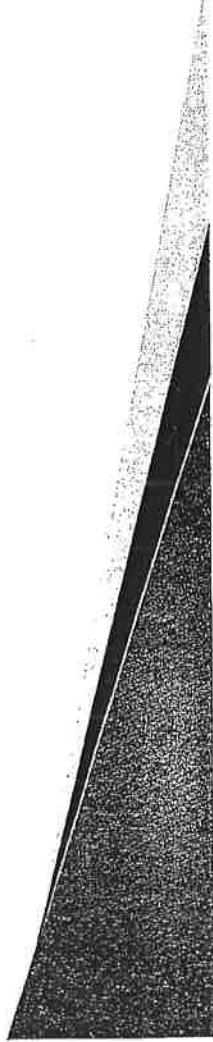
doe.us

John S

735-4060

611 - Updates/Reminders

- ▶ Correct reporting is done through the eSchool discipline tracker, not the attendance tracker.
- ▶ Students placed in a CDAP program in lieu of an expulsion must be coded as 10A - Suspension - Out of School w/CDAP Placement.
- ▶ Students placed in a CDAP program due to expulsion must be coded as 07A - Expulsion w/CDAP Placement.
- ▶ You must include duration.



617 Consortium Discipline Alternative Programs (CDAP)

- ▶ An administrator cannot arbitrarily “administratively place” a student in a CDAP program.
- ▶ You must have an Alternative Placement Team in place to decide on the student placement.
- ▶ If an expelled student is not placed in a CDAP, you must send written notice within five days to DOE stating the reason why and include the age, race, and SPED status of the student.

