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HOUSE OF REPRESENTATIVES  
145th GENERAL ASSEMBLY

HOUSE BILL NO. 120

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN OFFENSES

1 WHEREAS, Delaware was one of many states to adopt statewide “Zero Tolerance” policies for its public schools,  
2 which are policies that mandate predetermined consequences for specific offenses; and

3 WHEREAS, many states and local school districts have since reformed or abandoned these policies in response to  
4 studies showing that Zero Tolerance policies have resulted in arbitrary and unfair expulsions of students; and

5 WHEREAS, the Delaware Code currently requires a local school board or charter school to expel, for a period of  
6 not less than 180 days, any elementary or secondary school student who possesses a firearm or other deadly weapon in a  
7 Safe School and Recreation Zone; and

8 WHEREAS, school boards and administrators currently have no discretion to modify the terms of a mandatory  
9 expulsion once a student is found to be in possession of a “deadly weapon,” which is broadly defined in the Delaware  
10 Code; and

11 WHEREAS, the American Psychological Association recently reported that zero tolerance policies do not  
12 effectively improve school safety.

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

14 SECTION 1. Amend § 1457(j)(4), Title 11 of the Delaware Code by inserting a second sentence as follows:  
15 “The local School board or charter school board of directors may, on a case by case basis, modify the terms of the  
16 expulsion or determine that expulsion is not appropriate.”.

SYNOPSIS

This bill amends the “zero tolerance” provision in the Delaware Code to give discretion to school boards to modify the terms of expulsions when a school board determines that it is appropriate to do so.