

SCHOOL CHOICE ENROLLMENT PROGRAM Frequently Asked Questions (FAQ)

Q1. What is the purpose of HB 337 w/HA 1 of the 147th General Assembly?

Synopsis: This bill promotes uniformity in the timing of the application process for school districts, charter schools, magnet schools, and career and technical education schools.

Q2. When was HB 337 w/HA 1 signed into law by Governor Jack Markell?

Governor Jack Markell signed HB 337 w/HA 1 on June 25, 2014.

Q3. What is the purpose of HB 250 of the 148th General Assembly?

Synopsis: In 2014, the Legislature passed SB 218 w/SA 1 adding instances of “reported and recorded” bullying to the list of reasons in the definition of good cause previously defined in Delaware Code. This definition change allowed bullying along with the other factors listed under “good cause” to submit a standard “good cause” application after the deadline or to terminate the 1 year charter agreement or 2 year district choice agreement required by law. **In 2016, the Legislature passed HB 250 clarifying and strengthening the law by adding a requirement that the instance of bullying must also be substantiated.**

Q4. When was HB 250 signed into law by Governor Jack Markell?

Governor Jack Markell signed HB 250 on August 10, 2016.

Q5. What is the purpose of HB 90 w/HA 1 of the 147th General Assembly?

Synopsis: This bill updates the school choice program, which has not received substantive attention since 1998. This bill aims to make it easier for parents to navigate the choice process by standardizing the application form and deadlines across traditional and charter schools. More specifically, the bill requires all local education agencies to accept a standard application form provided by the Department of Education, which must be available on the Department’s website. Further, the bill seeks to eliminate discrimination by districts against choice students by: (1) allowing districts to request supplemental application information from choice students only to the extent it requires the same information from attendance zone students; (2) limiting the supplemental criteria a receiving district may use to evaluate choice applications—after that, districts must use a lottery system; and (3) removing the provision that allows districts to reject applications of students with special needs. Districts would also be required to accept choice students until each school and/or program has reached 85% of its capacity. Districts would be required to hold a public information session about choice and enrollment opportunities by October 31 and report estimated capacity and projected enrollment information to the Department of Education by November 30; those estimates may be revised until January 30. Finally, the bill will create a task force to consider the

current landscape of all school enrollment preferences to include magnet, vocational technical, and charter schools, and to develop recommendations as necessary.

Q6. When was HB 90 w/HA 1 signed into law by Governor Jack Markell?

Governor Jack Markell signed HB 90 w/HA 1 on June 3, 2013.

Q7. Who is a “Receiving Local Education Agency?”

“Receiving Local Education Agency” (RLEA) is defined in 14 **Del.C.** §402(5) and includes all Delaware public school districts, charter schools, and career and technical education schools.

Q8. Who is a “Receiving District?”

“Receiving District” (RD) is defined in 14 **Del.C.**, §402(4) and includes only the 16 reorganized Delaware public school districts (charter schools and career and technical education schools are not included).

Q9. How does a RD inform parents of anticipated choice opportunities available in schools and programs in their RD for the coming school year?

The RD shall hold at least one public information meeting outlining choice opportunities available for the coming school year within their RD’s schools and programs no later than October 31 of each year.

Q10. When are RD boards required to submit to the DDOE notice of capacity and projected enrollment figures?

The RD board is required to notify the DDOE no later than November 30 of each year the capacity of each school in the RD for the following academic year along with the projected enrollment for the following academic year. RDs have until January 30 each year to revise the notice of capacity and projected enrollment originally reported to the DDOE.

Q11. What is capacity?

Capacity as defined in 14 **Del.C.**, §405(d) means the maximum number of students that a program or school can contain as determined solely by considerations of physical space, physical resources, and class size for each grade level.

Q12. What is projected enrollment?

Projected enrollment as defined in 14 **Del.C.**, §404(f) means the total number of returning students and new attendance zone (resident school) students the RD anticipates will enroll for the following academic year.

Q13. What is lack of capacity?

Lack of capacity as defined in 14 **Del.C.**, §405(d) means that the school or program calculates projected enrollment for the following academic year to be at least 85% of its capacity. A RLEA may disapprove an application due to lack of capacity.

Q14. Are all RLEAs required to use and accept only the standard application form provided by the Delaware Department of Education (DDOE)?

Yes, all RLEAs are required to use and accept the standard application form provided by the DDOE. The standard application form shall be made available on the DDOE's website and all RLEA websites.

Q15. When is the open enrollment period for a parent of a school age child to submit a standard application?

The standard application may be accepted by the DOE and/or RLEAs on or after the first Monday in November and on or before the second Wednesday in January. Charter schools, vocational-technical school districts, and magnet schools may continue to accept applications after the second Wednesday in January to fill remaining availability; however, those holding a lottery, will include applications received by the second Wednesday in January.

Q16. Does this deadline apply to kindergarten enrollment?

No, a parent enrolling their child in kindergarten may submit the standard application form to the RLEA up until the first day of the school year for enrollment in kindergarten during that school year.

Q17. Can a parent submit a standard application to a RLEA after the second Wednesday in January deadline?

Yes, the parent of a school age child may submit the standard application form after the deadline if "good cause" as defined in 14 **Del.C.**, §402(2) exists. The RLEA and district of residence shall accept and consider the application in the same manner as those application submitted by the deadline. The board of the receiving local education agency shall take action to approve or disapprove the application filed in accordance with the provisions of 14 **Del.C.**, §403(b) no later than 45 days after receipt thereof, unless the application is received prior to a lottery conducted as outlined in a local education agency's enrollment policy in the case of over-enrollment. Charter schools, vocational-technical school districts, and magnet schools may accept applications after the second Wednesday in January to fill remaining availability.

Q18. Can a parent withdraw a standard application?

Yes, a parent of a school age child may withdraw their application at any time prior to action taken by the RLEA board. The parent shall give written notice to the board(s) of the RLEA and the child's district of residence.

Q19. Can a parent of a school age child indicate more than one choice on a standard application form?

Yes, the parent can apply to more than one RLEA school or program and indicate their order of preference on one standard application form.

Q20. When will standard application forms received by the DDOE be disseminated to RLEAs for processing?

The DDOE shall disseminate all standard application forms to RLEAs no later than 10 working days after the application deadline of the second Wednesday in January.

Q21. When will standard application forms received by a RLEA be processed?

The RLEA has 10 working days after the application deadline of the second Wednesday in January to inform the applicant's district of residence that an application has been received.

The RLEA board will approve or disapprove applications for admission to a program in grades 1 through 12 no later than the last day of February of the school year preceding enrollment and no later than June 15 of the school year preceding enrollment for admission to kindergarten. Charter schools, vocational-technical school districts, and magnet schools may act on applications accepted in accordance with the provisions of 14 **Del.C.**, §403(a) to fill remaining availability.

For standard applications received by a RLEA after the deadline of the second Wednesday in January with "good cause", the RLEA board shall approve or disapprove the application no later than 45 days after receipt of the application unless the application is received prior to a lottery conducted as outlined in the RLEA's enrollment policy in the case of over-enrollment.

Within 5 working days the RLEA board shall notify the parent and the child's district of residence the board's final decision.

Q22. When will parents who applied for their child notify the RLEA board of their final decision to accept or reject the RLEA's offer?

A parent who applied for the child shall notify the RLEA board in writing no later than the third Friday in March whether the offer is accepted or rejected.

Q23. Will charter schools continue to submit an April 1st and May 1st preliminary enrollment?

Yes, charter schools will continue to submit the April 1st and May 1st preliminary enrollment each year as indicated in 14 **Del.C.**, §506(c)(1) and (2) and §509(b)(1) and (2).

Q24. When should a parent sign a first year charter school agreement if accepted to a charter school?

It is recommended that a parent should not sign a first year charter school agreement until the parent has made a final decision to accept the RLEA's offer and notified the RLEA board in writing pursuant to 14 **Del.C.**, §404(e).

Q25. What criteria for approval and disapproval is a RLEA responsible for?

A RLEA shall adopt and make available a policy regarding the order in which standard applications for enrollment pursuant to 14 **Del.C.**, Chapter 4 shall be considered and the criteria by which such standard applications shall be evaluated.

14 **Del.C.**, §404(c) Each RLEA shall accept applications, in a manner consistent with the policy adopted until there is a lack of capacity in each school and program. Students who meet the RLEA's criteria for acceptance in the policy but who are not selected due to a lack of capacity in the school or program shall be placed on a ranked waiting list maintained by the RLEA until the first day of the RLEA's school year for which they applied. A RLEA may disapprove an application due to lack of capacity pursuant to 14 **Del.C.**, §404(d).

Q26. Is a RD required to develop a policy establishing criteria for evaluation and acceptance or rejection of applicants to the RD? May priority be given to certain students?

Yes, RDs shall adopt and make available their choice policy prior to the applicable application deadline. The RD's policy shall seek to eliminate discrimination against choice students by: (1) allowing the RD to request supplemental application information from choice students only to the extent it requires the same information from attendance zone (resident school) students; (2) limiting the supplemental criteria a RD may use to evaluate choice applications—after that, a lottery system must be used; and (3) removing the provision that allows an RD to reject applications of students with special needs.

Yes, a RD can in their evaluation give priority to an applicant in order of the list below as outlined in 14 **Del.C.**, §405(b)(1)(2)(3)

1. Returning students who continue to meet the school or program requirements, including students graduating from one school to another within a single program.
2. Students who meet the requirements for the program or school and who seek to attend based upon the residence of the student's parent within the designated feeder pattern, if any, for the school; and
3. Siblings of students already enrolled in the school who will be returning to the school for the following academic year, providing the sibling seeking priority meet the requirements for the school or program. Siblings of students living in the district may be given priority over siblings not living in the district.

The RD may next give priority to the following students:

- Students with the school or program designated as a first, second, or third choice on the standard written application form.
- Students living within the RD.
- Children of school employees; as long as they otherwise meet the criteria of the program or school.

Q27. What happens when all qualifying applicants from Q26 above are admitted? Can an applicant be put on the RD's waiting list?

Yes, once the RD has admitted all students meeting the qualifying criteria in Q26 above, the RD shall conduct a lottery process to admit additional students and generate a ranked waiting list.