



Delaware House of Representatives House Majority Caucus

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HOUSE PASSES BILL RAISING MINIMUM AGE **FOR MANDATORY REPORTING FOR MISDEMEANORS**

Age that schools must report a misdemeanor to local police raised from 9 to 12 by HB 347

DOVER – Based on a recommendation by the House School Discipline Task Force, legislation that would raise the minimum age for mandatory reporting of misdemeanors passed the House on Tuesday.

Under current Delaware law, school officials have a mandatory obligation to report to the police and, in certain instances, initiate criminal prosecution of specific misdemeanor offenses, such as third-degree assault and offensive touching, committed by students over the age of 9. Under HB 347, school officials still would be required to file a written report of the incident with the superintendent, who in turn must file a written report with the Department of Education. However, school officials do not have to report the incident to local police if the alleged offender is less than 12 years of age.

“The task force found that, in many cases, by the time an unclassified misdemeanor reaches court, the kids involved aren’t fighting any more and we have used a lot of state and school resources following this law,” said Rep. Michael A. Barbieri, D-Newark, the bill’s sponsor and chair of the task force. “We determined that this wasn’t the best use of our resources and that there are better ways to handle some situations rather than requiring law enforcement to get involved.”

The School Discipline Task Force was created in May 2009 and was charged with reviewing a more than 15-year-old disciplinary system that mandated reporting of all in-school incidents and set uniform punishments for infractions, then issuing recommendations to more fairly dispense justice without negatively impacting the school environment. The task force members included representatives from the Departments of Justice; Education; Health and Social Services; and Children, Youth and their Families, along with members of the Delaware State Police, Family Court and school districts in all three counties.

The task force's recommendations included increasing the minimum reporting age, establishing a three-step process for addressing minor school offenses instead of requiring arrest and reviewing alternative placement and in-school suspension programs. Rep. Barbieri said the task force's recommendations would help place discretion regarding school discipline back into the hands of local district officials while establishing basic procedures to follow while using their expertise.

Rep. Darryl M. Scott, who co-chaired the task force, said that the legislation passed Tuesday will help with the administering of discipline without burdening students.

"You want to be consistent and fair with how you administer discipline, but you also have to want to do the right thing for the student," said Rep. Scott, D-Dover. "By passing this bill, we are not abdicating our responsibility with school discipline; rather, we are allowing schools to address issues in an appropriate manner without unduly subjecting children to the criminal justice system."

Another recommendation from the task force passed the House the same day the group's report was issued in January. House Resolution 33 requests the Department of Education to begin developing standards for student code of conduct policies in all school districts and charter schools for the following:

- common legal definitions of student offenses that lead to alternative placement or expulsion consequences;
- common due process procedures for alternative placement meetings and expulsion hearings;
- common procedures for the handling of Attorney General reports

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