

School Choice Termination Form

Date: _____

Student's Name and Date of Birth: _____

School Now Attending: _____

School District of Choice: _____

School District of Residence: _____

My student will be attending: _____

Herewith, I apply to terminate the Educational Option for the above named student for the _____ school year.

Effective as of (Date): _____

Parent, Guardian or Relative Caregiver's Signature: _____

14 Delaware Code § 407. Duration of enrollment in receiving district.

(a)(1) A pupil accepted for enrollment in a school or program pursuant to this chapter shall be entitled to remain enrolled therein until graduation from the school or completion of the program provided that the pupil continues to meet the requirements for such school or program, provided however, that upon the concurrence of the boards of both the district of residence and the receiving district, a pupil's right to remain enrolled may be terminated prior to graduation from or completion of the program where such termination is based upon the pupil's

- a. Failure to continue to comply with the receiving district's requirements for attending school or class, or
- b. Multiple violations of, or one or more serious violations of, the receiving district's student code of conduct.

(2) A pupil accepted for enrollment in a school or program pursuant to this chapter shall remain enrolled therein for a minimum of 2 years unless, during that 2-year period,

- a. A pupil graduates from the school or completes the program;
- b. The pupil's parent or parents cease to be residents of the pupil's original district of residence;

- c. At the conclusion of any academic year during such 2-year period, the pupil ceases to meet the academic requirements for such school or program;
 - d. If daycare was indicated on the relevant choice application as a reason for seeking enrollment, or if daycare was a reason for granting priority to consideration of or granting of the relevant choice application, or the provider of daycare services to the pupil ceases doing business or relocates to a location so distant from the original location as to render the original combination of daycare and choice enrollment no longer reasonably practicable for the pupil or the parent or parents of such pupil; or
 - e. The board of the district of residence, the board of the receiving district, and the parent or parents of the pupil agree for any reason to terminate such enrollment;
 - f. The provisions of paragraphs (a)(2)a. through (a)(2)e. of this section shall apply unless the receiving district, at its sole discretion, agrees to maintain a child in a choice placement. Due to the unique educational and developmental needs of primary age children, on a case by case basis, districts may grant exceptions to allow students in grades kindergarten through grade three to remain in school choice even if they fail to meet required educational standards.
- (b) Notwithstanding the provisions of subsection (a) of this section, a parent may apply to terminate that parent's own child's enrollment in the receiving district prior to the expiration of the minimum period established in subsection (a) of this section by submitting a written application, on a form provided by the Department of Education, to the child's then-existing district of enrollment no later than December 1 for enrollment during the following school year.
 - (c) If a parent of a child fails to file an application by the deadline of December 1 and good cause exists for the failure to meet the deadline, the child's then-existing district of enrollment shall accept and consider the application in the same manner as if the deadline had been met.
 - (d) The parent of a child may withdraw the application at any time prior to action on the application by the board of the child's then-existing district of enrollment.
 - (e) Within 10 working days of receiving an application to withdraw, the child's then-existing district of enrollment shall transmit a notice to the district of residence that it has received the application.
 - (f) The board of the child's then-existing district of enrollment shall take action to approve or disapprove the application no later than December 15 of the school year preceding enrollment.
 - (g) The board of the receiving district shall transmit a notice of the board's action to the parent of the child and to the board of the district of residence within 5 working days after board action.
 - (h) The action of a board in a child's then-existing district of enrollment to accept an application to terminate enrollment pursuant to this section shall be final; however, nothing in this subsection shall prohibit a board in its sole discretion from conditioning its approval of termination pursuant to this section upon acceptance of the child into another district or program pursuant to an application submitted in accordance with chapter.
 - (i) Unless accepted for enrollment in a school or program in another district pursuant to this chapter, a child whose enrollment in a receiving district concludes or terminates pursuant to this section shall automatically be re-enrolled in the child's district of residence for the ensuing school year. Any such student shall be enrolled by the district of residence according to the feeder pattern in which the child's parent resides unless, pursuant to the provisions of § 405(b) of this title, all available space has been filled by returning students, in which case the student shall apply and be considered for enrollment in any other school in the district of residence in which there is space available in accordance with the provisions of this chapter.