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Sens. Blevins, Marshall, McDowell, Peterson, Venables;  
Reps. Barbieri, Baumbach, Bennett, Bolden, Brady,  
Carson, J. Johnson, Q. Johnson, Keeley, Kowalko,  
Longhurst, Mitchell, Mulrooney, Osienski, Potter,  
Schwartzkopf, Viola

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE BILL NO. 209

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

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

Section 1. Amend § 511, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 511. Approval Procedure.

(b)(4) Information regarding impact, as defined by regulations established by the Department with the approval of the State Board no later than October 31, 2014, shall be considered in conjunction with the factors in § 512 of this title but shall not alone provide the basis for disapproval of an application for a new charter application or an expansion. The information regarding impact may, however, be among the bases for disapproval of an application or expansion if at least 1 criteria in § 512 of this title is also deemed not satisfied by the authorizer. The information regarding impact may, by itself or in combination with other factors, form the basis for conditions being placed on the approval. Those conditions may include but shall not be limited to restrictions or prohibitions on geographic location, programmatic offerings, academic focus or emphasis, and grade levels served. In no event shall the placement of conditions on approval, based solely or in part on considerations of impact, be considered disapproval of an application.

(l) Subject to any limitations imposed by the approving authority pursuant to subsection (h) of this section, if the application is found by the approving authority to meet the criteria set forth in § 512 and complying with the approval process in § 511 of this title, it ~~shall~~ may approve the application. The approving authority may approve an application subject to such conditions as the approving authority, in its sole discretion, may deem appropriate to ensure the applicant's continuing compliance with the approval criteria. Whenever approval of a charter school requires the assent of the State Board, as set forth in subsection (c) of this section, the State Board may, in addition to approving or disapproving the

- 20 recommendation of the Secretary, place or modify conditions on the approval to address considerations of impact,  
21 consistent with the requirements of subsection (b)(4) of this section.  
22       Section 2. The effective date of this Act shall be July 1, 2014.

#### SYNOPSIS

This bill requires the Department of Education to promulgate regulations to further define the meaning and process for consideration of impact in the charter school application review process, to be considered and approved by the State Board no later than its October 2014 meeting. It also clarifies the conditions that an authorizer may place on an approved application, and provides that the State Board of Education may place or modify conditions to address considerations of impact.

Author: Senator Townsend