



SPONSOR: Sen. Sokola & Rep. Schwartzkopf
Sens. Gay, Hoffner, Pettyjohn; Reps. Hensley, Lynn,
Ramone, Michael Smith

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 163

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:

1 Section 1. Amend § 507(c), Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 (c)(1) Labor relations between the charter school and its employees shall be governed by Chapter 40 of this title,
4 and a charter school and its employees may agree through the collective bargaining process to abide by other provisions of
5 this title or Code. ~~Except as otherwise provided in this section, all teachers working in charter schools shall hold an~~
6 ~~appropriate teaching certificate and license. Notwithstanding the foregoing, for any school year with respect to which there~~
7 ~~is no “qualified alternative certification,” as hereinafter defined, in effect, a charter school may, where it deems it beneficial~~
8 ~~to the success of its educational program, hire teachers that are not fully certified and licensed so long as such teachers have~~
9 ~~at least a bachelor’s degree in the content area in which they are teaching and comprise no more than 35 percent of the~~
10 ~~teachers at the school. If teaching 1 or primarily 1 specific content area, a teacher shall have a bachelor’s degree in that~~
11 ~~content area.~~

12 For purposes of this section, a “qualified alternative certification program” shall be one which aligns with all
13 requirements as specified in §§ 1260-1264 of this title [~~§ 1264 of this title has been repealed~~] and pursuant regulations.

14 (2)a. Except as otherwise provided in this section, all teachers working in charter schools must hold an
15 appropriate teaching certificate and license. For any school year in which there is no “qualified alternative
16 certification,” a charter school may, where it deems it beneficial to the success of its educational program, hire
17 teachers that are not fully certified and licensed so long as such teachers have at least a bachelor’s degree in the
18 content area in which they are teaching and comprise no more than 35 percent of the teachers at the school. If
19 teaching 1 or primarily 1 specific content area, a teacher shall have a bachelor’s degree in that content area.

20 b. For purposes of this section, a “qualified alternative certification program” shall be one which
21 aligns with all requirements as specified in Chapter 12 of this title and its implementing regulations.

22 (3) No administrator whose primary function is the instruction of students by means of designing and
23 implementing curriculum or instruction (an “Instructional Administrator”) employed by a charter school prior to
24 June 30, 2024, shall be required to pursue qualified alternative licensing or certification and shall instead be
25 deemed to have been granted a waiver pursuant to authority granted to the Secretary. Until such time as the
26 Department of Education shall have established a qualified alternative licensure and certification for charter school
27 Instructional Administrators, and during the time that any such Instructional Administrator pursues that alternative,
28 a charter school may, where it deems it beneficial to the success of its educational program, hire or continue to
29 employ 1 or more Instructional Administrators that are not fully certified and licensed so long as such
30 administrators have appropriate educational and administrative skills as determined by the charter school’s board
31 of directors.

32 (4) Notwithstanding any provision to the contrary, a charter school administrator who is not an
33 Instructional Administrator shall not be required to be licensed or certified pursuant to Chapter 12 of this title.

34 (5) The Secretary of Education shall, by July 1, 2024, establish, in coordination and cooperation with the
35 Delaware Charter Schools Network, a qualified alternative licensure and certification pathway for Instructional
36 Administrators.

SYNOPSIS

This bill updates the State’s charter school law to codify the original intent of charter school flexibility. More specifically, the bill provides charter schools the ability to hire the leaders they deem beneficial to the success of the school’s educational program and the needs of students and staff. The bill creates new subsections in Section 507(c) of Title 14 of the Delaware Code to define the licensure and certification requirements more clearly within Chapter 5 of Title 14. Finally, the bill requires the Secretary of Education to work with the Delaware Charter Schools Network to create a qualified alternative licensure and certification pathway for charter school administrators engaged in the instruction of students (Instructional Administrators).

Author: Senator Sokola