



SPONSOR: Sen. Sokola & Rep. Schwartzkopf  
Sens. Gay, Hoffner, Pettyjohn; Reps. Hensley, Lynn,  
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DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1  
FOR  
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13 requirements as specified in §§ 1260–1264 of this title [~~§ 1264 of this title has been repealed~~] and pursuant regulations.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 certification,” for  
16 such teachers, a charter school may, where it deems it beneficial to the success of its educational program, hire teachers that  
17 are not fully certified and licensed so long as such teachers have at least a bachelor’s degree in the content area in which  
18 they are teaching and comprise no more than 35% of the teachers at the school. If teaching 1 or primarily 1 specific content  
19 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) a. For purposes of this section, an “Instructional Administrator” is defined as a charter school administrator  
23 whose primary functions include supervising and evaluating educators, the instruction of students by means of designing  
24 and implementing curriculum or instruction, training, mentoring, or coaching those whose practice is instruction.

25 b. Instructional Administrators working in a charter school shall either be licensed and certified or complete a  
26 qualified alternative certification program and have a minimum of:

27 1. A bachelor’s degree or comparable 4-year degree from an accredited college or university; and

28 2. A Continuing License to teach in a public school, or at least 4 years teaching experience, including in  
29 public schools, district and charter, independent / private schools, or higher education institutions. In lieu of  
30 teaching experience, an educator can provide evidence of current clinical experience under the mentorship of a  
31 qualified administrator.

32 c. Until such time as a qualified alternative certification program is available for charter school Instructional  
33 Administrators, and during the time that any such Instructional Administrator pursues that alternative, a charter school may,  
34 where it deems it beneficial to the success of its educational program, hire or continue to employ 1 or more Instructional  
35 Administrators who are not fully certified and licensed so long as such administrators have appropriate educational and  
36 administrative skills as determined by the charter school’s board of directors.

37 (4) Notwithstanding any provision to the contrary, a charter school administrator who reports directly to the  
38 Charter Board of Directors, shall not be required to be licensed or certified.

39 Section 2. The Department of Education shall, by July 1, 2024, work in coordination and cooperation with the  
40 Professional Standards Board and the Delaware Charter Schools Network, to make corresponding changes to Regulation  
41 1596 Charter School Leader to provide the implementing regulations for the certification of current and future Instructional  
42 Administrators.

#### SYNOPSIS

This bill updates the State’s charter school law to codify the original intent of charter schools to encourage the use of different and innovative or proven school environments and teaching and learning methods; provide parents and students with measures of improved school and student performance and greater opportunities in choosing public schools within and outside their school districts; and to provide for a well-educated community.

The substitute 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 and provides for the ability to hire the leaders and staff that they deem beneficial to the success of the school’s educational program and the needs of students and staff. There are multiple pathways that people can travel to get to their administrative positions and all of their experiences on their journey are beneficial to the education and success of Delaware’s children. To that end, the substitute bill also defines “Instructional Administrator” at a charter school and the necessary experience and education required. It also directs the Department of Education to work with the Professional Standards Board and the Delaware Charter Schools Network to provide for the implementation of regulations for current and future Instructional Administrators in accordance with this

bill. This will require modifications to Regulation 1596 Charter School Leader to make corresponding changes to align with the substitute bill if passed and signed into law. The Department of Education will also work with the Charter Schools Network to develop a “qualified alternative certification program” to provide flexibility for charter schools to hire Instructional Administrators working towards the required licensure and certification.

Author: Senator Sokola