SPONSOR: Rep. K. Williams & Rep. S. Moore & Sen. Sturgeon & Sen. Lockman

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 335

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOL EMPLOYEE SALARIES.

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

Section 1. Amend § 504A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 504A. Powers.

Consistent with its charter and the provisions of its certificate of incorporation, bylaws or membership agreements, the board of directors of a charter school or schools shall, as to each charter that the board holds, have the power ~~to:~~ to do all of the following:

(1) Manage the implementation of its approved education ~~program;~~ program.

(2) ~~Determine~~ Except as otherwise provided in this Chapter, determine its own budget and operating ~~procedures;~~ procedures.

(3) Acquire and convey interests in real property, subject to rules and regulations established by the Department with the approval of the State Board with respect to real property acquired by charter schools using state ~~funds;~~ funds.

(4) Incur ~~debt;~~ debt.

(5) Accept ~~gifts;~~ gifts.

(6) Contract with any school district, or any other public school or private nonsectarian, nonreligious entity also empowered to enter into contracts, for any and all real property, equipment, goods, supplies and services; provided, that a school district must make unused buildings or space (defined as space no longer needed, permanently or temporarily, for non-charter school purposes) buildings or space in buildings available to a charter school, and shall bargain in good faith over the cost of rent, services and maintenance related to such space; provided further, that a charter school may, with the approval of the Secretary and the State Board for the sole purpose of determining compliance with this proviso, contract with a sectarian or religious college or university incorporated in the State and operating a program or programs for teacher education within the State empowered to enter into contracts for such

property and services, so long as the property contracted for is used in a nonreligious and nonsectarian manner and the services contracted for are provided in a nonreligious and nonsectarian manner and are of a nonreligious and nonsectarian type. A charter school's continued use of school district space shall be subject to review at least on a 5-year basis, and may be terminated by the district with 1 year's notice, if the district's non-charter school capacity requirements warrant. Charter schools shall have preference over state agencies for purposes of § 1057(b) of this title except that nothing in this section shall require the displacement of any tenant either during the term of its current lease or any renewal ~~thereof;~~ thereof.

(7) Hire, manage, and terminate any school employee in accordance with the terms of its personnel policies or any collective bargaining agreement it negotiates with its ~~employees;~~ employees.

(8) Establish reasonable academic and disciplinary standards specifically related to the missions, goals and educational objectives for the charter school as set forth in its charter for students to continue enrollment in the charter school; provided, however, that an expulsion from a charter school shall have the same effect for the purposes of § 4130 of this title as expulsion from a school district. Charter schools may refer students to the alternative programs operated pursuant to the provision of Chapter 16 of this title subject to the following conditions:

a. A student may only be referred to a program which serves that student's district of residence and only if there is space available in such program to serve the student;

b. The student otherwise meets eligibility criteria for students who may be enrolled in such program; and

c. The student's district of residence and the charter school in which the student is enrolled agree to a proration of student funding between or among the charter school and the school district in which the student resides, in which case the district of residence shall become liable for any cost associated with the placement of the student in the alternative ~~program;~~ program.

(9) Establish an application and admissions process which shall enable the charter school to provide the local districts in which its students reside with a preliminary roster of its students for the subsequent school year on or before May 1 of each year. Each charter school shall make the timetable for its application and admissions process identical to any such timetable set forth by this Code for the operation of a public school choice program.

Section 2. Amend § 509, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 509. School financing.

(g) Any payment received by a charter school pursuant to this section may be used for current operations, minor capital improvements, debt service payments or tuition ~~payments.~~ payments, provided that any general salary increase,

salary supplement, or one-time adjustment appropriated in any appropriations act for public school employees shall be paid directly to charter school employees in the same manner and under the same conditions as other public school employees are paid salary increases, salary supplements, or adjustments.

SYNOPSIS

This Act requires that any general salary increase, salary supplement, or one-time adjustment payable to public school employees likewise be payable to charter school employees. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.