



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

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 201

ESTABLISHING THE PUBLIC EDUCATION FUNDING COMMISSION.

1 WHEREAS, Delaware’s public education funding system (“funding system”) should support student achievement
2 and well-being, educator recruitment and retention, and Delaware’s community, economy, and quality of life; and

3 WHEREAS, students’ academic and social-emotional needs post-pandemic require a comprehensive and statewide
4 focus as districts and charter schools face a critical junction with the end of federal Elementary and Secondary School
5 Emergency Relief Fund (“ESSER”) funding assistance; and

6 WHEREAS, there is agreement that action should be taken to improve the funding system, including to better
7 address student needs, increase flexibility to serve students, and address the equitable distribution of resources across
8 districts and charter schools; and

9 WHEREAS, decades of progress have been made to improve components of the funding system, including adding
10 funding to support high-need students, supports for mental health, and updating needs-based funding; and

11 WHEREAS, state laws and regulations for public education funding, administration, and programs have a direct
12 impact on district and charter school funding needs and resource allocations; and

13 WHEREAS, as a component of the Delaware Education Funding Lawsuit Settlement, Delaware contracted with
14 the American Institutes of Research (“AIR”) to produce the independent report, “Assessment of Delaware Public School
15 Funding,” released in 2023, and the report made systemic recommendations to improve Delaware’s funding system to
16 support student achievement; and

17 WHEREAS, also as a result of legal settlements for funding equity, each county in Delaware will complete a
18 property tax reassessment by 2025 for the first time in decades that will impact revenue and school funding and the
19 distribution of residential and commercial property taxation; and

20 WHEREAS, Delaware has opportunities to improve in the areas of student achievement, opportunities, and well-
21 being; educator recruitment and retention; and access to high-quality pre-kindergarten for children below the age of 5; and

22 WHEREAS, modifications should be made to the funding system to build on existing progress and improve it
23 further, based on research from other states, while maintaining the strengths of the current funding system; and

24 WHEREAS, the lack of adequate support for many students has led to conditions that are detrimental to efforts to
25 recruit and retain teachers, resulting in a shortage of educators and a dwindling pipeline; and

26 WHEREAS, additional resources are required to meet the state goals, based on national research and the
27 professional judgment of Delaware educators.

28 NOW, THEREFORE:

29 BE IT RESOLVED by the Senate of the 152nd General Assembly of the State of Delaware, the House of
30 Representatives concurring therein, that the Public Education Funding Commission (“Commission”) is established to
31 continue the comprehensive review of public education funding for all students and populations served by districts and
32 charter schools, by developing a roadmap of recommendations to implement improvements to the public education funding
33 system.

34 BE IT FURTHER RESOLVED that the Commission is comprised of 31 members, as follows:

- 35 (1) The Secretary of Education, or the Secretary may designate the Deputy Secretary.
- 36 (2) The Controller General, or the Controller General may designate the Deputy Controller General.
- 37 (3) The Director of the Office of Management and Budget, or the Director may designate the Deputy Director.
- 38 (4) The Chair of the Senate Education Committee.
- 39 (5) The Chair of the House Education Committee.
- 40 (6) A member of the minority caucus of the Senate, appointed by the President Pro Tempore of the Senate.
- 41 (7) A member of the minority caucus of the House of Representatives, appointed by the Speaker of the House
42 of Representatives.
- 43 (8) The President of the Delaware State Education Association, or the President’s designee.
- 44 (9) The Executive Director of the Delaware Association of School Administrators, or the Executive Director’s
45 designee.
- 46 (10) The President of the Delaware Chief School Officers Association of the Delaware Association of School
47 Administrators, or the President’s designee.
- 48 (11) The Executive Director of the Delaware School Boards Association, or the Executive Director’s
49 designee.
- 50 (12) Three school financial officers, representing geographical diversity and appointed by the Speaker of the
51 House of Representatives, who may consider potential appointees from a list that the Delaware Association of School
52 Business Officials of the Delaware Association of School Administrators provides.

53 (13) One charter school administrator who is in charge of school finances, appointed by the Speaker of the
54 House of Representatives.

55 (14) Two principals, 1 from an elementary school and 1 from a secondary school, representing geographical
56 diversity and appointed by the President Pro Tempore of the Senate, who may consider potential appointees from a list
57 that the Delaware Association of School Principals of the Delaware Association of School Administrators provides.
58 Each principal must represent a district or charter school with a high percentage of low income and multilingual learner
59 students.

60 (15) Three professional educators, representing geographical diversity and appointed by the President Pro
61 Tempore of the Senate, who may consider potential appointees from a list that the Delaware State Education
62 Association provides. At least 1 of the professional educators must be a specialist.

63 (16) Three education support professionals, representing geographical diversity and appointed by the Speaker
64 of the House of Representatives, who may consider potential appointees from a list that the Delaware State Education
65 Association provides. At least 1 of the education support professionals must be a paraprofessional.

66 (17) One special education director who is employed by a public school district in this state, appointed by the
67 Speaker of the House of Representatives, who may consider potential appointees from a list that the Delaware
68 Association of Special Education Professionals of the Delaware Association of School Administrators provides.

69 (18) One representative of a community organization serving students in poverty, appointed by the President
70 Pro Tempore of the Senate.

71 (19) One representative of a community organization serving students learning English, appointed by the
72 President Pro Tempore of the Senate.

73 (20) One representative of an education policy organization or institution of higher education, who has special
74 knowledge of education finance or special ability to contribute to discussion, appointed by the President Pro Tempore
75 of the Senate.

76 (21) One member of the community with knowledge of education funding policy, appointed by the President
77 Pro Tempore of the Senate.

78 (22) One representative of a parent advocacy organization, with expertise in special education, appointed by
79 the President Pro Tempore of the Senate.

80 (23) One representative of the Vision Coalition, appointed by the Speaker of the House of Representatives,
81 who may consider potential appointees from a list that the Vision Coalition provides.

82 (24) One representative of the Special Education Strategic Plan Advisory Council, appointed by the Speaker
83 of the House of Representatives, who may consider potential appointees from a list that the Special Education Strategic
84 Plan Advisory Council provides.

85 BE IT FURTHER RESOLVED that the Commission chair is the Senate Education Committee member in even-
86 numbered years and the House Education Committee member in odd-numbered years.

87 BE IT FURTHER RESOLVED that the Commission chair shall select the vice chair from among the members
88 appointed under paragraphs (18) through (24) of the membership under this Concurrent Resolution.

89 BE IT FURTHER RESOLVED that each member who is appointed by the Speaker of the House of
90 Representatives or President Pro Tempore of the Senate serves for a term of 2 years and may serve 1 additional term.

91 (1) Each term expires on the date specified in the appointment; however, a member remains eligible to
92 participate in Commission proceedings until the member's appointing authority replaces that member.

93 (2) The Speaker of the House of Representatives or President Pro Tempore of the Senate may appoint a
94 member for a term of less than 2 years to ensure terms expire on a staggered basis.

95 (3) If a member is appointed for a term of fewer than 2 years, the term of fewer than 2 years is not counted
96 toward the member's term limit.

97 BE IT FURTHER RESOLVED that a member who may select a designee must select the designee from that
98 member's organization only, to serve in the member's stead and at the member's pleasure. The member must provide the
99 designation to the chair in writing. A designee has the same duties and rights as the member the designee represents.

100 BE IT FURTHER RESOLVED that the Speaker of the House of Representatives or President Pro Tempore of the
101 Senate may remove that appointing authority's member for gross inefficiency, misfeasance, nonfeasance, malfeasance, or
102 neglect of duty in office. A member is deemed in neglect of duty if the member is absent from 3 consecutive Commission
103 meetings without good cause or fails to attend at least 50% of all regular Commission meetings in a calendar year. A
104 member who is deemed in neglect of duty is considered to have resigned.

105 BE IT FURTHER RESOLVED that a majority of the members must be present at a Commission meeting in order
106 to have a quorum and conduct official business. A vacancy on the Commission is not counted for quorum.

107 BE IT FURTHER RESOLVED that a member receives no compensation but may be reimbursed for the member's
108 actual and necessary expenses incurred in the performance of the member's official duties.

109 BE IT FURTHER RESOLVED that the Department of Education shall provide the Commission with reasonable
110 and necessary support staff and materials.

111 BE IT FURTHER RESOLVED that the Commission's recommendations must ensure that the public education
112 funding system does all of the following:

- 113 (1) Maintains funding stability and predictability.
- 114 (2) Provides at least Fiscal Year 2027 levels of state and local funding to each district or charter school.
- 115 (3) Supports goals, with strategies based on research, that address at least all of the following:
 - 116 a. Student achievement.
 - 117 b. Student and educator well-being.
 - 118 c. Education recruitment and retention.
 - 119 d. Equity for students and across districts and charter schools.
- 120 (4) Provides adequate funding to address at least all of the following:
 - 121 a. Student need.
 - 122 b. Positive classroom conditions and conducive learning facilities.
 - 123 c. Educator recruitment and retention.
 - 124 d. Local district and charter school wealth disparities.
- 125 (5) Provides flexible funding to meet student needs, including through services and partners.
- 126 (6) Ensures minimum State share of teacher compensation is guaranteed statewide and educators are paid in
127 accordance with the Public Education Compensation Committee's findings and recommendations.

128 BE IT FURTHER RESOLVED that, in developing the Commission's recommendations, the Commission must do
129 all of the following:

- 130 (1) Assess the impact that funding recommendations will have on a district's or charter school's ability to
131 provide appropriate, adequate academic and nonacademic supports to meet the needs of each student, including
132 students with exceptional needs, multilingual learners, and economically-disadvantaged students.
- 133 (2) Consider the impact of recommendations on educator recruitment, retention, and autonomy.
- 134 (3) Review the recommendations from the American Institutes for Research's ("AIR") independent report,
135 "Assessment of Delaware Public School Funding," regarding all of the following:
 - 136 a. Increase investment in Delaware's public education.
 - 137 b. Distribute more resources according to student need.
 - 138 c. Implement a weighted student funding or foundation state funding formula.
 - 139 d. Allow for more flexibility in how a district or charter school uses resources.
 - 140 e. Account for local capacity and address tax inequity.

- 141 f. Improve funding transparency.
- 142 g. Regularly reassess property values.
- 143 h. Simplify the calculation of the local share provided to a charter school.
- 144 i. Expand voluntary, full-day, high-quality pre-kindergarten.
- 145 (4) Consider a hybrid model that combines the existing public education funding system with a student-based
146 funding approach.
- 147 (5) Review education budget line items and consider where these can be consolidated or repurposed, to ensure
148 effective use and greater flexibility.
- 149 (6) Review current Delaware laws and regulations impacting education funding and include recommendations
150 for addressing significant disparities, conflicting mandates, or inconsistent allocation of resources.
- 151 (7) Consider the alignment with Fiscal Year 2026 equalization processes.
- 152 (8) Include recommendations for each component of Division I funding, including the funding captured in
153 Division II and III and administrative units associated with Division I. “Division I,” “Division II,” and “Division III”
154 mean as those terms are defined under § 1702 of Title 14.
- 155 (9) Review the impact of the referendum process on providing adequate local resources and provide
156 recommendations for alternative mechanisms for ensuring adequate funding support.
- 157 (10) Review the Commission’s draft recommendations to ensure integration with negotiated agreements
158 among labor unions.
- 159 (11) Review the student and educator supports recommended by the professional judgement panels in AIR’s
160 “Assessment of Delaware Public School Funding” report, and issue funding recommendations to better position
161 districts and charter schools to offer those supports.
- 162 (12) Review programming and personnel costs incurred in education and consider impact of funding changes
163 on staffing, personnel leave, and pension payouts.
- 164 (13) Review current system recourse constraints and future trends.
- 165 (14) Seek input from others including educators, parents, school administrators, local school boards, and
166 higher education representatives.
- 167 (15) Hold public meetings in person or virtually, specifically to gather input from educators, with some
168 meetings held after the school day to ensure educator engagement.
- 169 (16) Hear from national experts to learn from other states that have done either of the following:

170 a. Implemented similar or different funding approaches, including the recommended weighted student
171 funding system recommended by AIR and hybrid models that bring together resource and student-based systems.

172 b. Incorporated early education funding into their kindergarten through 12th grade systems.

173 (17) Assess which components of the existing public education funding system are working and identify
174 recommendations for modifications to strengthen the system.

175 (18) Ensure that local and national experts are engaged, including at least both of the following:

176 a. An expert that has worked in a state other than Delaware with public education funding systems,
177 especially a state with a hybrid approach that blends student and resource-based systems.

178 b. An expert that has expertise and capability to create financial tools to model the impacts of
179 recommendations to present the potential impact at the district and charter school level.

180 (19) Hear testimony and gather information and advice from both in-state and out-of-state experts, including
181 those who can speak to national best practices on revenue and taxation policy and resource allocation policy, including
182 policies related to the consideration of student and community need in a school funding formula.

183 BE IT FURTHER RESOLVED that the Commission's recommendations must address each of the following:

184 (1) Delaware's approach to funding schools with increased funding targeted to meet student needs, including
185 students with exceptional needs, students from low-income backgrounds, and multilingual learners.

186 (2) Which components of the public education funding system should be modified, including those based on
187 student formula, and which components should be maintained.

188 (5) Opportunities to create flexibility in the public education funding system to meet the needs of students at
189 the school and district levels.

190 (6) Multi-year plan for implementation, including the financial resources and other supports and systems
191 required.

192 (7) Additional resources required to implement the systems and recommended sources of revenue, both
193 existing and new, to support the changes.

194 (8) Address charter funding mechanisms, by considering ways to increase transparency and sustainability of
195 charter funding, including exploring funding charters through the state funding mechanism rather than relying on local
196 share.

197 BE IT FURTHER RESOLVED that the Commission shall issue multi-year recommendations, including
198 recommendations on phasing and what should happen each year to support the transition.

199 BE IT FURTHER RESOLVED that the Commission may do both of the following:

200 (1) Establish subcommittees as needed.

201 (2) Adopt procedural rules to carry out its functions under this Concurrent Resolution.

202 BE IT FURTHER RESOLVED that the Commission shall hold its first meeting by October 1, 2024. The
203 Commission shall issue its first recommendations by October 1, 2025, so the recommendations may be considered for
204 inclusion in the Governor's recommended Fiscal Year 2027 budget.

SYNOPSIS

This Concurrent Resolution establishes the Public Education Funding Commission to continue the comprehensive review of public education funding for all students and populations served by district and charter schools, develop a roadmap of recommendations to implement improvements to the public education funding system, and serve as an ongoing body to review the funding annually and recommend updates and changes.

The Commission will hold its first meeting by October 1, 2024, and issue its first recommendations by October 1, 2025, so the recommendations may be considered for inclusion in the Governor's recommended Fiscal Year 2027 budget.

Author: Senator Sturgeon