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HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 314

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:

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

3           § 504A. Powers.

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

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

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

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

13          (4) Incur ~~debt~~; debt.

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

15          (6) Contract with any school district, or any other public school or private nonsectarian,  
16       nonreligious entity also empowered to enter into contracts, for any and all real property, equipment, goods,  
17       supplies and services; provided, that a school district must make unused buildings or space (defined as space  
18       no longer needed, permanently or temporarily, for non-charter school purposes) buildings or space in  
19       buildings available to a charter school, and shall bargain in good faith over the cost of rent, services and

20 maintenance related to such space; provided further, that a charter school may, with the approval of the  
21 Secretary and the State Board for the sole purpose of determining compliance with this proviso, contract  
22 with a sectarian or religious college or university incorporated in the State and operating a program or  
23 programs for teacher education within the State empowered to enter into contracts for such property and  
24 services, so long as the property contracted for is used in a nonreligious and nonsectarian manner and the  
25 services contracted for are provided in a nonreligious and nonsectarian manner and are of a nonreligious and  
26 nonsectarian type. A charter school's continued use of school district space shall be subject to review at  
27 least on a 5-year basis, and may be terminated by the district with 1 year's notice, if the district's non-  
28 charter school capacity requirements warrant. Charter schools shall have preference over state agencies for  
29 purposes of § 1057(b) of this title except that nothing in this section shall require the displacement of any  
30 tenant either during the term of its current lease or any renewal ~~thereof~~thereof.

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

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

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

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

43 c. The student's district of residence and the charter school in which the student is enrolled  
44 agree to a proration of student funding between or among the charter school and the school district in  
45 which the student resides, in which case the district of residence shall become liable for any cost  
46 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 or one-time adjustment appropriated in the annual Act Making Appropriations for the Expense of State Government 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 or adjustments.

#### SYNOPSIS

This bill requires that any general salary increase or one-time adjustments payable to public school employees likewise be payable to charter school employees. The bill also makes section 504A, Title 14 of the Delaware Code consistent with the Legislative Drafting Manual.