SPONSOR: Sen. Sturgeon & Sen. Lockman & Rep. K. Williams & Rep. Chukwuocha
Sens. Brown, Ennis, Gay, Hansen, Lopez, Mantzavinos, S. McBride, Paradee, Pinkney, Poore, Sokola, Townsend, Walsh; Reps. Baumbach, Bentz, Brady, Briggs King, Bush, Dorsey Walker, Griffith, Heffernan, K. Johnson, Lambert, Lynn, Matthews, S. Moore, Morrison, Osienski, Ramone, Shupe, Michael Smith

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 56

AN ACT TO AMEND THE DELAWARE CODE RELATING TO EDUCATIONAL OPPORTUNITY FUNDING.

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

Section 1. Amend Chapter 17, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1726. Opportunity Fund [Effective July 1, 2022].

(a) For purposes of this section:

(1) "English learner students" or "EL" means kindergarten through grade 12 students with limited English proficiency who meet the definition of an "English learner" as that term is defined by the Department of Education by regulation.

(2) "Low income student" or "LI" means students within the statewide metric determined by the Department of Education utilizing direct certification for Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP).

(b) The Opportunity Fund is established and is to be used to enhance services for EL and LI students enrolled in public schools, including charter schools. The Opportunity Fund consists of money appropriated to the Fund in the annual appropriations act.

(1) The Department of Education shall adopt regulations identifying the types of services and supports that may be funded with money from the Opportunity Fund. The types of services and supports must include the following:

a. Additional staff, including personnel dedicated to improving reading comprehension and math proficiency, and staff who provide additional wrap-around services or mental health supports.

b. Contractual services.

c. Supplies and materials.

d. Other expenditures necessary to provide additional services and supports for EL and LI students.

(2) The Department of Education shall provide an expenditure plan template and plan development supports to school districts and charter schools, including identifying evidence-based practices shown to improve performance outcomes for EL and LI students.

(3) To receive funding under this section, a school district or charter school shall submit a proposed expenditure plan to the Department of Education for review no later than the second Friday of July of each fiscal year. A school district's or charter school's proposed expenditure plan must separately list each school governed by the school board of the school district or charter school that will receive funding under this section.

(4) Funding received under this section is supplemental to and may not supplant any state, local, or federal funds.

(c)(1) Except as provided under paragraph (c)(2) of this section, each school board of a school district or charter school shall allocate funding received under this section to schools governed by the school board such that not less than 98% of funding received under this section that is generated by a school's LI and EL population calculation is allocated to that school.

(2) A school board of a school district or charter school may allocate funding received under this section in a manner different than provided under paragraph (c)(1) of this section if the school board does both of the following:

a. Follows the procedure under § 1704(4) of this title.

b. Approves the allocation before submission of an expenditure plan under paragraph (b)(3) of this section.

(d) At least $5 million of the annual appropriation to the Opportunity Fund must be allocated to public schools, including charter schools, identified as having an enrollment of at least 60% LI students or 20% EL students.

(1) A public school receiving funding under this subsection shall use the allocated funds for mental health or reading supports to enhance services and provide additional supports to EL or LI students.

(2) The Department of Education shall annually identify public schools that meet the criteria under this section for EL and LI students.

(e) A school district or charter school shall submit an annual report on the use of funding received under this section to the Department of Education no later than November 1 of each year.

(1) The report must do all of the following:

a. Provide the total amount of funding received under this section by each school during the prior school year.

b. Provide the total amount of funding received under this section each school spent during the prior school year.

c. Detail how each school spent the funding received under this section.

(2) A school district or charter school shall make the report submitted under this subsection publicly available on its website. The Department of Education shall make the reports submitted under this subsection publicly available on the Department's website.

Section 2. Amend § 1726, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1726. Opportunity Fund [Effective July 1, 2024].

(f)(1) The per pupil amount of Opportunity Funds must be calculated as follows: $55 million divided by the total sum of EL and LI student enrollment in each school district and charter school.

(2) In each fiscal year after fiscal year 2025, the Opportunity Fund total must be equal to at least the per pupil amount calculated in Fiscal Year 2025 under this subsection and multiplied by the sum of EL and LI student enrollment as of September 30 of the previous fiscal year.

(3) For purposes of this subsection, a student may be counted as both an EL student and a LI student if the student satisfies the definition for both groups.

(4) The amount of funding received under subsection (d) of this section is in addition to the amount calculated in this subsection.

Section 3. Section 1 of this Act takes effect on July 1, 2022. Section 2 of this Act takes effect on July 1, 2024.

SYNOPSIS

This Act codifies the Opportunity Fund, an additional source of educational funding for Delaware public schools intended to support the increased needs of low income and English learner students, and establishes the parameters for how the funding is to be distributed to school districts and charter schools.

Author: Senator Sturgeon