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Vanderwende, Yearick; Sens. Bonini, Hocker, Pettyjohn

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 326

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE ESTABLISHING THE DELAWARE EDUCATION
RIGHT TO KNOW ACT.

1 WHEREAS, many Delawareans contribute to the financial operation of public schools and all Delawareans have a
2 stake in the quality of classroom instruction and the content of that education; and

3 WHEREAS, parents, guardians, and other stakeholders have a vested interest in knowing what their children are
4 being taught; and

5 WHEREAS, parents, guardians, and other stakeholders have a First Amendment right to express their opinions of
6 decisions made by local education leaders; and

7 WHEREAS, parents, guardians, and other stakeholders should be encouraged to offer input in a structured, lawful
8 and appropriate manner; and

9 WHEREAS, local educational agencies should encourage an active dialogue with parents, guardians and other
10 stakeholders regarding the education and well-being of Delaware children; and

11 WHEREAS, cooperative relationships between parents, guardians, other stakeholders, teachers, and school
12 officials – built on transparency and consensus – should help facilitate improvements to the quality of public education and
13 the development of children in Delaware.

14 NOW, THEREFORE:

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

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

18 Chapter 9. Delaware Education Right to Know Act

19 § 901. Short Title

20 This Chapter shall be known and may be cited as the Delaware Education Right to Know Act.

21 § 902. Notice

22 (a) At the start of each academic year, each Delaware public school, including charter schools, shall notify parents,
23 guardians, and other stakeholders of what opportunities they will have during the academic year to express their opinions to

24 the school district school board or charter school administrators. This notification shall include dates and times of such
25 availabilities and the protocols for properly expressing concerns to school officials.

26 (b) At the start of each academic year, each Delaware public school district and charter school shall notify parents
27 and guardians of their opportunity to meet with the educators teaching their students. Each teacher shall be made available
28 to the parents or guardians of each child they teach at least once per academic year, prior to the midpoint of that year. The
29 superintendent of each public school district, or the head of each charter school, in consultation with teachers, shall have the
30 flexibility for determining the timing and method for satisfying this requirement.

31 § 903. Website Portal

32 (a) All public schools, including charter schools, shall develop a web portal for informing the public of all the
33 rights granted to citizens under this act. This portal shall also include information on points-of-contact, the policies for
34 implementing this act, and any other information reasonably needed to facilitate this act.

35 (b) Each Delaware public school, including charter schools, shall prominently feature on the web portal to be
36 established under this act public access to all of the following information:

37 (1) A course syllabus or a written summary of each instructional course.

38 (2) A general description of instructional materials, textbooks, and digital resources that educators plan to utilize in
39 each instructional course.

40 (3) The school's policy on how information is communicated to parents, guardians, and other stakeholders about
41 violent incidents taking place at the school.

42 (4) What health care services are offered at the school and how parental, guardian notification and consent are
43 handled with regard to these services.

44 § 904. Superintendent Duties

45 (a) The superintendent of each public school district, or the head of each charter school, shall be charged with
46 ensuring the compliance of their district or charter school with the provisions of this act.

47 (b) The superintendent of each public school district, or the head of each charter school, shall designate within
48 their district or charter school a single point-of-contact to respond to questions regarding the provisions of this act. The
49 contact information for this person shall be posted on each school's web portal created under this act.

50 § 905. Policy Implementation.

51 (a) All public school districts and charter schools shall implement a policy for addressing requests made under this
52 act.

53 (b) Upon request, parents, guardians, and other stakeholders, may review with school officials the materials of any
54 instructional course. The superintendent of each public school district, or the head of each charter school, in consultation
55 with teachers, shall fashion the appropriate protocol for satisfying this requirement. This protocol shall be posted on each
56 school's web portal created under this act.

57 (c) Response to requests. All public schools and charter schools shall respond to a request made under this act
58 within 10 business days after the receipt thereof, either by providing access to the requested information, denying access to
59 the requested information (or portions of it), or by advising that additional time is needed. If access cannot be provided
60 within 10 business days, the public school or charter school shall respond with the reason(s) for the delay, why more time is
61 needed, and provide a good-faith estimate of how much additional time is required to fulfill the request.

62 (d) If public school or charter school denies a request, in whole or in part, the public school district or charter
63 school shall indicate the reasons for the denial.

64 (e) Unless otherwise set forth in the Delaware Code, any applicable fees for providing requested material
65 requested under this act shall be identical to the fees stipulated in the Delaware Freedom of Information Act (Title 29,
66 Chapter 100, § 10003 (m)).

67 § 906. Enforcement.

68 (a) Any citizen denied access to information as provided in this act may bring suit within 45 days of such denial.
69 Venue in such cases where access to the requested information is denied shall be placed in the Court of Chancery for the
70 county in which the public body ordinarily meets.

71 (b) In any action brought under this section, the burden of proof shall be on the public school or charter school to
72 justify the denial of access to the requested information.

73 (c) Remedies permitted by this section include an injunction, a declaratory judgment, writ of mandamus or other
74 appropriate relief. The court may award attorney fees and costs to a successful plaintiff of any action brought under this
75 section. The court may award attorney fees and costs to a successful defendant, but only if the court finds that the plaintiff
76 action was frivolous or was brought solely for the purpose of harassment.

77 (d) In no case shall the requirements of this section be construed to require a school district or charter school to
78 violate the copyright, trademark or other intellectual property rights of the creator or owner of the curriculum.

79 Section 2. This Act shall become effective July 1, 2023.

SYNOPSIS

This Act creates the Delaware Education Right to Know Act to give parents, guardians, and other education stakeholders more information and opportunities to evaluate public and charter school education in Delaware and to express concerns to school officials.