



SPONSOR: Rep. Wilson-Anton & Rep. Chukwuocha &  
Rep. K. Williams & Rep. Kowalko & Sen. Lockman

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 353

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO CHARTER SCHOOLS IN NEW CASTLE COUNTY.

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

1 Section 1. The Department of Education shall form a New Castle County Charter School Reform Advisory Group  
2 (Advisory Group) to review the process and criteria for granting new charter schools and modifications to charters, and to  
3 recommend process improvements and new criteria that will improve equity and better integrate charter schools into the  
4 overall public school system for children in kindergarten through grade 12 in New Castle County.

5 (1) Advisory Group is comprised of 14 members, as follows:

6 a. A State Representative who is a member of the House Education Committee, appointed by the Speaker  
7 of the House of Representatives, who serves as co-chair.

8 b. A State Senator who is a member of the Senate Education Committee, appointed by the President Pro  
9 Tempore of the Senate, who serves as co-chair.

10 c. The Secretary, Department of Education.

11 d. Two members of the State Board of Education, appointed by the Chair of the State Board of Education.

12 e. The superintendent of each of the following:

13 1. Appoquinimink School District.

14 2. Brandywine School District.

15 3. Christina School District.

16 4. Colonial School District.

17 5. New Castle County Vocational-Technical School District.

18 6. The Red Clay Consolidated School District.

19 f. Two leaders of charter schools in New Castle County, 1 appointed by the Speaker of the House of  
20 Representatives and 1 appointed by the President Pro Tempore of the Senate.

21 g. One member who works in the Charter School Office, appointed by the Secretary of the Department  
22 of Education.

23 (2) A quorum of the Advisory Group is a majority of its members.

24 (3)a. Official action by the Advisory Group, including making findings and recommendations, requires the  
25 approval of a quorum of the Advisory Group.

26 b. The Advisory Group may adopt rules necessary for its operation.

27 c. The co-chairs of the Advisory Group may invite individuals with relevant expertise to participate in  
28 Advisory Group discussions.

29 (4) The co-chairs of the Advisory Group are responsible for guiding the administration of the Advisory Group  
30 by doing, at a minimum, all of the following:

31 a. Setting a date, time, and place for the initial organizational meeting.

32 b. Notifying the individuals who are members of the Advisory Group of the formation of the Advisory  
33 Group and, if applicable, notifying a person of the need to appoint a member.

34 c. Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and  
35 reports of the Advisory Group.

36 d. Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and  
37 the Director of the Division of Research of Legislative Council, after the first meeting of the Advisory Group, a  
38 list of the members of the Advisory Group as follows:

39 1. By position.

40 2. By appointment, including the stakeholder group that the member represents.

41 (5) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative  
42 Council.

43 (6) The Department of Education is responsible for providing reasonable and necessary support staff and  
44 materials for the Advisory Group to carry out its mission.

45 (7) The co-chairs must compile and submit the final report containing a summary of the Advisory Group's  
46 work regarding the issues assigned to it under this section, including any findings and recommendations.

47 (8) Ensuring that the final report of the Advisory Group is submitted to the President Pro Tempore of the  
48 Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the  
49 Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public  
50 Archives.

51 (9) By December 1, 2022, the Advisory Group shall submit its final report to the chairs of the House and  
52 Senate Education Committees, the State Board of Education, and the Secretary of the Department of Education. This  
53 final report must address all of the following for New Castle County:

54 a. If the criteria used to evaluate applications for new charter schools or modifications to charters should  
55 include an evaluation of the current public educational opportunities in the district or region in which the proposed  
56 charter school would operate, including the proposed charter's impact on other schools and programs.

57 b. How to ensure that families who are low-income, English learners, or face transportation barriers are  
58 able to access the full range of high-quality education opportunities in New Castle County.

59 c. If the entities that are approving authorities for a charter school application under § 511(c) of Title 14  
60 should be modified, including whether the Department of Education should continue to be an approving authority.

61 d. Any recommendations to improve the process and criteria for approving new charter schools and  
62 modifications to charters to improve equity and better integrate charter schools into the overall public school  
63 system for children in kindergarten through grade 12 in New Castle County.

64 Section 2. Effective March 1, 2022, for schools in New Castle County, the Department of Education may not grant  
65 any new charters, or any modifications to charters, until January 1, 2024. After December 31, 2023, charter applications  
66 must be evaluated using the process and criteria as revised based upon the recommendations of the New Castle County  
67 Charter School Reform Advisory Group.

#### SYNOPSIS

This Act pauses the granting of new school charters and modifications to charters in New Castle County and creates a New Castle County Charter School Reform Advisory Group (Advisory Group), to review the process and criteria for granting new charter schools and modifications to charters, and to recommend process improvements and new criteria that will improve equity and better integrate charter schools into the overall public school system for children in kindergarten through grade 12 in New Castle County. The Advisory Group's final report is due by December 1, 2022.

In addition, under this Act, effective March 1, 2022, the Department of Education may not, for a school in New Castle County, grant a new school charter or a modification to a charter until January 1, 2024. This moratorium provides an opportunity to review how the current process and criteria for granting charters can be improved for New Castle County and for decisions on future charter applications to be based upon changes implemented based on the recommendations of the Advisory Group.