SPONSOR: Sen. Sokola & Sen. Townsend & Sen. Pettyjohn &
Rep. Heffernan & Rep. Jaques
Sens. Bonini, Bushweller, Cloutier, Delcollo, Ennis, Hansen, Henry, Hocker, Lavelle, Lawson, Lopez, Marshall, McBride, McDowell, Poore, Richardson, Simpson, Walsh; Reps. Baumbach, Briggs King, Osienski, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 172
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL FUNDING TRANSPARENCY.

WHEREAS, our State's educational success is dependent on the success of all students;

WHEREAS, current outcomes, especially for specific groups of students, demonstrate the need to understand our State's investments – not just the amounts but the way they are allocated;

WHEREAS, Delaware does not report education spending at the school level in districts, which hinders the ability of taxpayers, school board members, educators, parents, and others to make decisions and policies to:

Compare which schools are getting more or less funds;

Ensure funding is following target groups of students according to need; and

Learn ways to allocate resources effectively for student outcomes and to implement spending efficiencies;

WHEREAS, the federal Every Student Succeeds Act (ESSA) requires that the State collect and report per-pupil expenditures at the school level, and requires community engagement and input from parents in public reporting; and

WHEREAS, districts and charter schools in Delaware use one common finance accounting system to track and report expenses; however, there is no statewide approach for defining which expenses are considered school-level expenditures. This means data, once public, will not be comparable across the State;

NOW, THEREFORE:

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

Section 1. Amend Title 14, Chapter 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1511. School Funding Transparency.

(a) By December 2018, the Department of Education will create a standardized statewide approach to collecting and reporting school-level per-pupil expenditures that all districts and charter schools must follow. At a minimum, the

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standardized statewide approach must do all of the following:

(1) Comply with ESSA requirements by reporting federal funding separate from State and local funding.

(2) Create business rules that will identify which district and charter expenses are to be included and excluded in the per-pupil calculation.

a. At a minimum, expense categories required under ESSA should be included such as administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities.

b. At a minimum, expense categories that do not link directly to the day-to-day schooling of Pre-K-12th grade students should be excluded. Excluded expense categories include adult education, capital expenditures, community services, fees for student services, debt service, and rent.

c. Salary costs reported under this section must include benefits and other employment costs.

(3) Define the method of determining student enrollment counts used in the per-pupil calculation.

(4) Require that districts and charter schools report 100% of included district and charter expenses, as defined in § 1511(a)(2) of this section, in the following 2 school-level categories:

a. Category 1: Expenditures on resources actually tracked to the school.

b. Category 2: Each school's share of central office expenditures (expenditures shared across multiple schools).

Each district and charter school must also report the grand total of Categories 1 and 2.

(5) Give clear guidance to districts and charter schools about how to assign district and charter expenses into Categories 1 and 2 for reporting purposes. The guidance must do at least all of the following:

a. Require that at least the expense categories required under ESSA are commonly defined across the State in how they get assigned to Category 1 or 2.

b. Require that districts and charter schools report whether they have assigned any expense categories that they have discretion over into Category 1 or 2.

c. Require that all expenditures for personnel who work in schools at least 80% of the time are reported in Category 1 using actual, not average, salary costs.

d. Require that central office expenditures be either divided across all schools according to student enrollment or be divided by time spent in each school.

e. Require that charter schools without central offices report 100% of included district and charter expenses, as defined in § 1511(a)(2) of this section, in Category 1, since all expenditures are made at the school site, so that reporting is comparable across districts and charter schools.

f. Require that any expense categories and amounts excluded from the calculation, as defined in § 1511(a)(2) of this section, are still reported.

g. Require that districts and charter schools commonly report the averages of teacher and paraprofessional salaries at the school-level.

h.1. Require that districts and charter schools report expenditures with codes that identify each expenditure with the type of expenditure, such as personnel, materials and supplies, or contract services.

2. The codes under paragraph (a)(5)h.1. of this section must be developed as part of the process under subsection (c) of this section, with an intent to provide public transparency regarding how schools spend money.

(b) Annually, beginning with school year 2018-2019 data reported no later than December 2019, the Department of Education will publicly report school-level per-pupil expenditures, as defined in § 1511(a) of this section, as follows:

(1) The annual data must be publicly reported in at least the following formats:

a. Online individual school report cards.

b. Downloadable statewide data files or interactive, user-friendly online statewide data tools that allow the user to draw comparisons between schools.

(2) At a minimum, the following information must be included with school-level per pupil expenditures:

a. The school level (Elementary, Middle or High School).

b. The grade levels served and student enrollment of each school.

c. The statewide school-level per-pupil expenditure averages, using the grand total of Categories 1 and 2 as defined in § 1511(a)(4) of this section,

d. The districtwide school-level per-pupil expenditure average, using districtwide averages for Category 1 spending as defined in § 1511(a)(4) of this section.

e. School-level student demographics including rates of English learners, students living in poverty, and special education students by need category.

f. School-level student outcomes, including proficiency in State assessments and graduation rates.

g. Average teacher salary at the school-level.

h. Average paraprofessional salary at the school-level.

(3) The following information may be included with school-level per-pupil expenditures:

a. The district and statewide averages of student demographics, as defined in § 1511(b)(2)(e) of this section.

b. The district and statewide averages of student outcomes, as defined in § 1511(b)(2)(f) of this section.

c. The district and statewide averages of teacher salaries and paraprofessional salaries, as defined in §1511(b)(2)(g) and §1511(b)(2)(h) of this section.

d. Names of special programs in the school that drive resource allocation, such as districtwide special education programs.

(4) Individual school report cards must be posted on State, district, and charter websites.

(c) The Department of Education must include public community involvement in developing the standardized statewide approach as follows:

(1) Hold at least 3 public meetings to review and receive input on the standardized statewide approach before finalizing the approach for district and charter school use.

(2) Hold at least 3 public meetings to review and receive input on the templates for publically reporting data.

(3) Include representatives of at least the following constituencies:

a. District leaders.

b. Business managers.

c. Charter leaders.

d. Local school board members.

e. Business community.

f. Parents.

g. Advocates with specific knowledge of low income students, special education, or of English learners.

h. Educators and the Delaware State Education Association.

i. Governor's Advisory Council for Exceptional Citizens.

(4) Report twice to the Chairs of the House and Senate Education Committees on how the requirements of §1511(c) of this section were met and how feedback was incorporated by the end of December 2018 and again before the release of the 2018-2019 data that will be reported no later than December 2019.

(d) Each year, after new school-level per-pupil expenditure data is released to the public, the Department of Education must offer at least 1 training session with the objective to increase understanding and use of the data in order to make data-driven decisions for students. The training, which is optional, must be offered to at least each of the following groups:

(1) Each of the local school boards and citizen's budget oversight committees.

(2) School and central office leaders from districts and charters.

(3) The general public and parents, which must be held at a time and place accessible to working parents and with translation services available.