SPONSOR: Rep. Chukwuocha & Sen. Lockman
Reps. Baumbach, Kowalko; Sens. Brown, Poore, Sturgeon, Townsend

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 222
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO REORGANIZATION OF SCHOOL DISTRICTS.

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

Section 1. Amend § 1026, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1026 Changing boundaries; vocational-technical school districts; City of Wilmington.

(a) The State Board of Education may, in accordance with this section, change or alter the boundaries of any reorganized school district ~~except the reorganized district of the City of Wilmington, the boundaries of which shall at all times be the same as the boundaries the City of Wilmington~~.

(b) Before making changes in the boundaries of a reorganized school district, the State Board of Education ~~shall~~ must consult with the school boards of the districts affected by the proposed change. Thereafter, the State Board of Education ~~shall~~ must submit for approval or rejection the question of the change of boundary to the qualified voters of the district or districts affected at a special referendum to be held for that purpose, after 2 weeks' notice of the referendum and proposed change has been posted at the school or schools of the district or districts affected. The referendum ~~shall~~ must be conducted in each district by the school board of the district. Any person who possesses the qualifications prescribed in § 1077 of this title may vote at the referendum. The question ~~shall~~ must be determined by a majority of the total vote cast in each district affected. Each school board ~~shall~~ must immediately certify to the State Board of Education the result of the referendum in the district.

(c) Subject to subsection (a) of this section, the State Board of Education may change or alter the boundaries of any reorganized school district without a referendum of the voters if the written consent of the owners of the real property to be transferred has been obtained and if also the school boards of the districts affected by such change or alteration have adopted resolutions favoring such change or alteration.

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(d)(1) Notwithstanding the provisions of subsections (b) and (c) of this section, the State Board of Education may change or alter the boundaries of school districts in New Castle County in a manner consistent with some or all of the redistricting recommendations made by the ~~Wilmington Education Advisory Committee in the report issued March 31, 2015~~ Redding Consortium for Educational Equity ("Consortium"), provided that the General Assembly passes, and the Governor signs, a Joint Resolution supporting the proposed changes in school district boundaries. ~~Passage of such a Joint Resolution does not constitute support or approval of any particular measure for revenue or spending proposed in the plan described in this subsection.~~

(2) Prior to ordering a change or alteration of a school district boundary under this subsection, the State Board or the Consortium ~~or the Wilmington Education Improvement Commission~~, shall conduct at least 1 public hearing in each of the school districts to be affected, including at least ~~two~~ 2 in the City of Wilmington.

(3)a. ~~In its decision and order to change or alter a school district boundary under this subsection, the State Board of Education shall adopt a transition, resource, and implementation plan. The plan shall be developed by the Wilmington Education Improvement Commission, for presentation to and approval by the State Board, and shall, at a minimum, provide for~~ The State Board of Education shall make its decision and order to change or alter district boundaries under this subsection based on the recommendations of the Consortium as expressed in a transition, resource, and implementation plan for redistricting. The recommendation and plan developed by the Consortium for presentation to the State Board of Education must include all of the following:

~~a.~~ 1. The orderly and minimally disruptive reassignment of students affected by the boundary change and the reassignment of governance ~~responsibilities;~~ responsibilities.

~~b.~~ 2. Implications for educators, administrators, and other personnel that may lead to equitable adjustments to local collective bargaining ~~agreements;~~ agreements.

~~c.~~ 3. ~~Recommendations on resources~~ Resources that will be required, from state, district, and local sources, to support the redistricting transition and provide for the effective ongoing education of all affected students, and for the support of schools with high concentrations of low income students and English ~~language learners;~~ Learners.

~~d.~~ 4. Student ~~transportation;~~ transportation.

~~e.~~ 5. Distribution of capital ~~assets; and~~ assets and financial obligations or a process for such distribution.

~~f.~~ 6. Engagement of educators, staff, parents, district personnel, and community members throughout the transition.

~~The plan shall permit students to continue their attendance at the school they attended prior to the boundary change, with tuition payments by the sending district as provided in Chapter 6 of this title, until such time as the pupils complete the grade levels offered in that school. If the State Board does not approve the plan as submitted by the Wilmington Education Improvement Commission, it shall notify the chairperson of the Commission in writing, give reasons why the plan was not approved, and allow the Commission to resubmit the plan within 60 days of the chairperson receiving the notice of denial.~~

~~(4) The State Board shall base its decision to change or alter school district boundaries on a record developed in compliance with state open meetings laws.~~

~~(5) The authority of the Wilmington Education Improvement Commission and the State Board of Education to act under the provisions of this subsection shall terminate on March 31, 2016.~~

7. Directives for improving secondary education options for City of Wilmington students, such as the provision of additional secondary schools.

8. Redrawing of district boundaries in Wilmington and northern New Castle County to better serve the educational interests of all students, including reducing the concentration of low-income students and improving educational services and supports for English Learners and other students at risk.

9. An assessment of the educational needs of City of Wilmington students and the resources required to meet those needs.

10. A stipulation that the funding statewide and locally will facilitate effective implementation of the proposed comprehensive plan in a manner that will improve the educational outcomes for all of the students impacted by that plan.

11. A timetable for implementing each element of the redistricting plan and the designated responsibility for carrying out responsibilities until the date of full implementation.

12. A process for the ongoing monitoring and evaluation of the educational impacts and outcomes of implementation, which will include an annual report by the Consortium to the Governor, the General Assembly, the Secretary of Education, and the State Board of Education.

13. The plan must permit students to continue their attendance at the school they attended prior to the boundary change with tuition payments made by the sending district as provided in Chapter 6 of this title until such time as the pupils complete the grade levels offered in that school.

b. The Consortium's recommendation and plan may include all of the following:

1. Recommendations for changes in policies and practices that will improve the coordination and collaboration among districts and charter schools serving students in the City of Wilmington and New Castle County, including changes in the authorization of charter schools.

2. Recommendations for improvements to access to high-quality early education programs for all students in the areas impacted by the proposed change in district boundaries.

3. Recommendations for improvements of the provision and coordination of before and after-school services for students and families in the areas impacted by the proposed change in district boundaries.

4. Recommendations for policies and practices associated with student assignment and school choice.

5. Recommendations for addressing additional transportation costs generated by enabling students to complete their studies in schools attended prior to the boundary changes.

c. All school districts, including the New Castle County Vocational-Technical School District, and all charter schools operating in the City of Wilmington and New Castle County must cooperate fully with the Consortium in the development of the redistricting plan, including the timely provision of student, financial, personnel, and facilities data as well as other operational data.

d. The Consortium's recommendation and plan must be reviewed and acted upon by the State Board of Education on or after January 1, 2021 and no later than April 1, 2021 to take effect on or after July 1, 2023 and no later than July 1, 2025.

(e) If the State Board of Education does not approve the plan as submitted by the Consortium, it must notify the Chairperson of the Consortium in writing, give reasons why the plan was not approved, and allow the Consortium to resubmit the plan within 30 days of the Chairperson receiving the notice of denial.

(f) The State Board of Education must base its decision to change or alter school district boundaries on a record developed in compliance with State open meetings laws.

(g) The authority of the Consortium and the State Board of Education to act under the provisions of this subsection shall continue until the confirmation of a State Board of Education approved plan by the Governor and the General Assembly.

(h)(1) Before the consideration of the Joint Resolution required under subsection (d) of this section by the General Assembly, the Controller General shall prepare a fiscal analysis of the redistricting plan approved by the State Board of Education under subsection (d) of this section ("the redistricting plan"). The fiscal analysis must do all of the following:

a. Describe all requirements on and obligations assumed by the State or a school district redistricted under the redistricting plan and any other consequences of the redistricting plan that has a fiscal impact on the State or a

school district redistricted under the redistricting plan for each fiscal year following the enactment of the Joint Resolution.

b. Include full fiscal cost data estimates, including salaries, operating costs, other employment costs, capital outlays, and debt service that may be incurred under the redistricting plan.

c. State how the fiscal cost data estimates were calculated, including what facts were used or assumption made to calculate the estimates.

(2) On request by the Controller General, the Consortium, the State Board of Education, the Department of Education, the Office of Management and Budget, a school district redistricted under the redistricting plan, and any other State agency shall provide information and other assistance necessary to complete the fiscal projection required by this subsection.

(i) After the enactment of the Joint Resolution required under subsection (d) of this section, the General Assembly shall, through the General Assembly's budget process, determine the funding, if any, to be appropriated to provide resources needed for the implementation of the redistricting plan approved by the Joint Resolution, including any additional analysis, facility, and program requirements.

~~(e)~~(j) Notwithstanding subsection (b) of this section, the State Board of Education may change or alter the boundaries of any reorganized vocational-technical school district if the school boards of the districts affected by such change or alteration have adopted resolutions favoring such change or alteration.