



SPONSOR: Sen. Vaughn & Rep. B. Ennis

DELAWARE STATE SENATE

141st GENERAL ASSEMBLY

SENATE BILL NO. 291

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

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

1           Section 1. Amend § 512, Title 14, Delaware Code, by designating the existing text as sub-section (a), and by adding a  
2 new sub-section (b) to read as follows:

3           "(b)   Notwithstanding any other law or regulation to the contrary, in addition to those criteria  
4 listed in sub-section (a), a condition placed on the approval of any charter shall be that a certificate  
5 of occupancy must be in place by no later than the July 1 preceding the opening date of such charter  
6 school. No waivers are available for this requirement."

7           Section 2. Amend § 506, Title 14, Delaware Code, by adding a new sub-section (d) to read as follows:

8           "(d)   Pursuant to the same process as outlined in Section 407 of this Title, a pupil accepted for enrollment  
9 in a charter school shall remain enrolled therein for a minimum of one year, subject however to the same  
10 exceptions as outlined in Section 407 of this Title."

11          Section 3. Amend § 507, Title 14, Delaware Code, by deleting sub-section (d) in its entirety, and by redesignating the  
12 remaining sub-sections therein accordingly.

13          Section 4. Amend § 511, Title 14, Delaware Code, by adding a new sub-section (l) to read as follows:

14          "(l)   Throughout any charter school's approval process, the Department of Education must coordinate  
15 regularly with the chief school officer of the local school district in which the charter school plans to locate,  
16 and keep the chief school officer informed regarding the progress of the approval process."

17          Section 5. Amend Title 14, Delaware Code, by adding a new § 517 to read as follows:

18          "§ 517. Failure to Open. In the event a charter school does not open as planned in compliance with approval  
19 criteria, general conditions, and/or specific conditions of the school's charter, the Department shall conduct a

20 review of the management company and/or board's action to determine the reasons the school did not open as  
21 planned. In addition, sanctions shall be considered by the Department, and a full report as to the reasons for  
22 the charter school not opening shall be made public."

23 Section 6. Amend § 504A(8), Title 14, Delaware Code, by deleting paragraph c. in that subsection in its entirety, and  
24 by substituting in lieu thereof a new paragraph c. to read as follows:

25 "c. The charter school assumes responsibility for the cost of the student being placed in the alternative  
26 program."

27 Section 7. Amend § 506(c), Title 14, Delaware Code, by inserting after the first sentence in sub-section (c), two  
28 sentences to read as follows:

29 "A parent's signature must be included on all application forms which acknowledge the following statement  
30 which shall also appear on the application:

31 'I understand my child will attend this charter school for at least one school year.'

32 The Department shall conduct an audit of charter schools by no later than April 1 of each year ensuring  
33 compliance with the requirements of this subsection."

34 Section 8. Amend § 511, Title 14, Delaware Code, by deleting the first sentence as found in sub-section (e) of that  
35 section, and substituting in lieu thereof, a new first sentence to read as follows:

36 "New charter school applications shall be submitted to an approving authority no later than  
37 November 1 for schools to be established and prepared to admit students on or after the second  
38 September 1 thereafter."

#### SYNOPSIS

This Bill makes certain adjustments to the Charter School Law to improve coordination between local public districts and the entering charter school. It requires that: (1) a certificate of occupancy must be in place by July 1 prior to the opening of the school; (2) charter schools must keep their students for at least one school year unless otherwise mutually agreed upon; (3) no leave of absences will be granted by local school districts for teachers planning to teach in charter schools; (4) during the charter school application process, the Department of Education must communicate with the chief school officer of the local school district in which the charter school plans to locate; (5) if a charter school does not open as planned, the Department will be required to conduct a review of the management company and/or board, consider sanctions, and make a full report to the public as to the reasons the school did not open as planned; (6) when a school, public or charter, places a student in an alternative educational program, it is responsible for that cost; (7) the charter school application form contain an acknowledged statement that indicates that the parent clearly understands that his or her child must attend the charter school for at least one school year; (8) the Department conduct an audit to ensure compliance with minimum enrollment and application certification requirements; and (9) sets a firm deadline for application by charter agents at November 1.

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