SPONSOR: Sen. Sokola & Rep. Schwartzkopf & Sen. Pettyjohn & Rep. Michael Smith & Rep. Ramone Sen. Gay

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 311
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend § 507 of Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 507. Labor relations.

(a) A public school may only be converted to a charter school by approval of the board of the school district in which it is located and that the charter application received the approval of over 50% of the teachers and over 50% of the parents residing in the attendance area of the school with a child or children under the age of 18 years, who, after 30 days prior written notice to all teachers and parents eligible to vote, attend a public meeting held for the specific purpose of voting on the proposed conversion; provided, however, that such approval shall not be required where a district school board converts a choice school or program with a specific career or academic subject matter focus already approved as of the effective date of this chapter to a charter school with the same focus. The employees of a school converted to a charter school who are not employed by the charter school shall be accorded the rights available to them under the provisions of their collective bargaining agreement and shall, to the extent permissible under their collective bargaining agreement, be given preference in filling positions in the school district.

(b) The employees of a school converted to charter status and who are employed by the charter school shall not be part of any bargaining unit which represented employees of the school while it was still part of the school district. Employees of charter schools shall have the same right to organize and bargain collectively as employees of other public schools. A bargaining unit shall not be deemed inappropriate under Chapter 40 of this title, simply because said unit is comprised of professional and non-professional positions within a charter school. A teacher may be a member of a bargaining unit and serve as a director of a charter school provided; however, that any teacher who is a director of a charter school shall recuse himself or herself from any board meeting, discussion or decision relating to the bargaining unit of which such teacher is a member.

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(c)(1) Labor relations between the charter school and its employees shall be governed by Chapter 40 of this title, and a charter school and its employees may agree through the collective bargaining process to abide by other provisions of this title or Code. ~~Except as otherwise provided in this section, all teachers working in charter schools shall hold an appropriate teaching certificate and license. Notwithstanding the foregoing, for any school year with respect to which there is no "qualified alternative certification," as hereinafter defined, in effect, a charter school may, where it deems it beneficial to the success of its educational program, hire teachers that are not fully certified and licensed so long as such teachers have at least a bachelor's degree in the content area in which they are teaching and comprise no more than 35 percent of the teachers at the school. If teaching 1 or primarily 1 specific content area, a teacher shall have a bachelor's degree in that content area.~~

~~For purposes of this section, a "qualified alternative certification program" shall be one which aligns with all requirements as specified in §§ 1260-1264 of this title [§ 1264 of this title has been repealed] and pursuant regulations.~~

~~(1)-(6) [Repealed.]~~

(2) a. For the purposes of this section:

(1) "Qualified alternative certification program" means one which aligns with all requirements as specified in Chapter 12 of this title and its implementing regulations.

(2) "Instructional Administrator" means a charter school administrator who supervises and evaluates educators, instructs students by means of designing and implementing curriculum or who instructs, trains, mentors, or coaches teachers.

(3) "Non-instructional Administrator" means a charter school administrator whose role is to oversee and manage operational aspects of the school that focus on supporting the logistical and functional aspects of the school environment, and ensure that essential services and resources are effectively coordinated and utilized. A non-instructional administrator's responsibilities may include finance, transportation, nutrition, facilities management, safety and security, human resources, and technology infrastructure.

(3) Except as otherwise provided in this section, all educators, as the term is defined in Chapter 12 of this title, working in charter schools must be licensed and certified pursuant to Chapter 12.

a. Teachers. For any school year in which there is no qualified alternative certification for a specific content area, a charter school may, where it deems it beneficial to the success of its educational program, hire teachers that are not fully certified and licensed so long as such teachers have at least a bachelor's degree in the content area in which they are teaching and comprise no more than 35 percent of the teachers at the school.

b. Administrators. Instructional Administrators working in a charter school must be licensed and certified as administrators. Non-instructional Administrators are not required to be licensed and certified as administrators pursuant to Chapter 12.

c. Specialists. Specialists working in a charter school must be licensed and certified as specialists pursuant to Chapter 12 of this title.

(4) Notwithstanding any provision to the contrary, the charter school administrator who reports directly to the Charter Board of Directors shall not be required to be licensed or certified. A charter school may, where it deems it beneficial to the success of its educational program, request permission from the authorizer to hire more than one administrator who reports directly to the Charter Board of Directors who is not licensed or certified. If the authorizer does not approve the request, the authorizer shall provide the rationale for the denial in writing explaining why granting the request is not in the best interest of the charter school's educational program.

a. In the case where the charter school administrator who reports directly to the Charter Board of Directors is not licensed or certified, the charter school shall ensure there is at least one Instructional Administrator who is licensed and certified as an administrator to oversee instructional activities.

Section 2. In accordance with the provisions of 14 Del. C. § 1203, the Professional Standards Board shall work in coordination with the Delaware Charter Schools Network and the Department of Education to develop the regulations necessary for the Department to implement this section.

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