SPONSOR: Sen. Blevins
Sens. Henry Townsend Peterson Marshall McDowell
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DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 300

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO REORGANIZATION OF SCHOOL DISTRICTS AND MAKING A SUPPLEMENTAL APPROPRIATION TO SUPPORT CONTINUED WORK ON THE PLAN OF THE WILMINGTON EDUCATION IMPROVEMENT COMMISSION.

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

Section 1. Amend § 1008, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1008. Wilmington Education Improvement Commission.

(g) The WEIC shall work with and across all governmental agencies, educational entities, and private and nonprofit institutions to promote and support the implementation of all recommended changes from the Wilmington Education Advisory Committee (WEAC). The WEIC also will also monitor the progress of implementation and recommend policies and actions to the Governor and General Assembly to facilitate progress and to promote the continuous improvement of public education. The WEIC shall develop a transition, resource and implementation plan, for presentation to and approval by the State Board of Education, for the provision of necessary services to schools and students affected by the implementation of the changes recommended by WEAC. WEIC shall also develop a resource plan regarding transitional resources to effectively implement school district realignment. Both the transition plan and resource plan must be submitted first to the State Board of Education and then to the General Assembly and the Governor for final approval. Both are due for submission and related action by December 31, 2015. <u>Final approval of the transition plan and resource plan by the General Assembly and the Governor shall not constitute an endorsement of any particular revenue or spending measure and shall not bind the State, nor any of its political subdivisions, to any specific action with regard to revenue and spending.</u>

Section 2. 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.

(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, 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 Wilmington Education Improvement Commission, shall conduct at least 1 public hearing in each of the school districts to be affected, including at least two in the City of Wilmington.

(3) 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:

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

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

c. ~~Resources~~ Recommendations on 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;

d. Student transportation;

e. Distribution of capital assets; and

f. 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.

Section 3. There is hereby appropriated $200,000 to Public Education, Block Grants and Other Pass Through Programs, Special Needs Programs (95-03-20) to continue work related to the efforts of the Wilmington Education Improvement Commission. The appropriation establishes the Wilmington Redistricting Transition Fund ("Fund"). The Red Clay Consolidated School District, in consultation with the Wilmington Education Improvement Commission and the Christina School District, shall assess the fiscal impact of transitioning City of Wilmington students from the Christina School District to the Red Clay Consolidated School District, including an assessment of the facilities, grade configurations, transportation feeder patterns, transition support for students and schools, need for the reallocation of state units of funding, federal funding, and impact on the local budget of Red Clay Consolidated School District and the Christina School District. The Red Clay Consolidated School District, in consultation with the Wilmington Education Improvement Commission and the Christina School District, shall expend the money in the Fund for the assessment required by this Section. The Red Clay Consolidated School District, in consultation with the Wilmington Education Improvement Commission and the Christina School District, shall substantially complete the assessment required by this Section on or before January 31, 2017.

Section 4. There is hereby established a working group to review the assessment described in Section 3 of this Act.

(1) The working group consists of the following members:

a. The Director of the Office of Management and Budget, or the Director's designee.

b. The Controller General, or the Controller General's designee.

c. A representative of the Wilmington Education Improvement Commission, appointed by the Chair of the Commission.

d. The Executive Director of the Delaware Association of School Administrators.

e. A representative appointed by the Delaware Chief School Officer's Association.

f. A representative of the school business managers jointly appointed by the Delaware Chief School Officer's Association and Controller General.

g. The Chair of the House Education Committee.

h. The Chair of the Senate Education Committee.

i. The Director of the Center for Applied Demography and Survey Research.

j. An appointee of the Governor, who shall serve as Chair of the working group.

(2) The Department of Education, upon request, shall provide staff support to the working group for data and other analytical purposes. The working group shall review the redistricting assessment; explore funding options for redistricting in a manner that does not disproportionally affect Red Clay Consolidated School District residents; assess the structure to implement statewide weighted unit funding for poverty, English Language Learners, and K-3 Basic Special Education; and submit its review to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate by March 31, 2017. Any requirements for additional State funding resulting from the assessment, including capital improvements that may be based upon revised transportation feeder patterns, and the reallocation of State and federal resources and local budget impacts shall require action by the General Assembly to take effect. Changes to the Red Clay Consolidated School District's property tax rate shall require the approval of the residents of the District through the referendum process under § 1903 of Title 14.

SYNOPSIS

This Act clarifies that a vote by the General Assembly, as required by §§ 1008(g) and 1026(d) of Title 14, in support of redistricting serves to authorize the State Board to proceed with the redistricting, but does not constitute approval of any particular revenue or spending measure proposed in the Plan of the Wilmington Education Improvement Commission.

This Act provides a $200,000 supplemental appropriation to establish the Wilmington Redistricting Transition Fund, which shall be used to assess the fiscal impact of transitioning City of Wilmington students from the Christina School District to the Red Clay Consolidated School District. This Act establishes a working group to review the assessment of those fiscal impacts.

Author: Sen. Blevins