

DELAWARE

(Law passed in 1995; 21th strongest of the nation's 43 charter laws)



Delaware has an average charter school law. The lack of an independent authorizer and the fact that the state has not worked to improve the overall charter environment has kept the number of schools in the state fairly stagnant. A large funding gap still remains, although recent facilities funding has lessened that burden slightly.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	Conversion charter schools must apply to their school board and new charter applicants can apply to either their school board or the State Department of Education.
APPEAL	None.

OPERATIONAL AUTONOMY

STATE	Yes. Charters receive a blanket waiver from most rules and regulations governing traditional public schools, however the department of education has the authority to create additional rules and regulations at will, so the exemptions are not as wide as it appears. Virtual schools are not allowed. Management contracts with education service providers are not restricted.
LOCAL	Limited. The blanket waiver provides some freedoms from district regulations, however the school district has some control over a charter's budget and funding decisions.
TEACHER FREEDOM	Yes. Teachers are not covered by the district bargaining agreement and may negotiate as a separate unit, or work independently. Charter schools are not required to participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	While there is no cap, the law permits any local board, with approval from the State Board of Education, to limit their number of approvals or refuse to accept applications, imposing a de facto moratorium.
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DELAWARE

(Continued)



EQUITY

STUDENT FUNDING	<p>Funds pass from the state and district to the school. The law states that charters are funded through the same funding formula used for districts but with some exceptions. State monies are based on unit funding formula and local funding amount based on previous years per pupil expenditure (in students' district of residence). Districts do not always pass the full funding amount to the charters, and there are continued inequities with operational and categorical funding.</p> <p>“Charter schools shall be eligible for public funds under procedures established by this section. Notwithstanding that this Code may establish procedures for the funding of a public school choice program and that such program may include charter schools among those schools which students may choose, funding for charter schools shall be as provided in this section.” Del. Code Ann. tit. 14, § 509 (West)</p>
FACILITIES FUNDS	<p>The Charter School Performance Fund was created to reward high-achieving charter schools, as measured through a performance framework. This supplemental funding can be used for facilities. The fund is subject to appropriation and cannot exceed \$5 million. In 2013, \$2 million was appropriated. 2 DE Code § 509(m)</p>

IMPLEMENTATION POINTS

- 2	Two points are deducted because the state has imposed a de facto cap by not encouraging or working to improve charter environment.
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[LINK TO THE DELAWARE CHARTER SCHOOL LAW](#)