

## TITLE 14 - EDUCATION

### Chapter 1

#### **§ 104 State Board of Education; composition; term; powers and duties; qualifications; vacancies; staggered appointments; office location; compensation.**

(a) The State Board of Education shall be composed of 7 members who shall be citizens of the State and shall be appointed by the Governor and confirmed by the Senate. The Governor shall name the President of the Board who shall serve at the Governor's pleasure. Each of the remaining members of the Board shall be appointed to serve for 6 years and until that member's successor qualifies.

(b) The State Board of Education shall have powers, duties and responsibilities as specified in this title. Included among the powers, duties and responsibilities are those specified in this subsection. The State Board of Education shall:

(1) Provide the Secretary of Education with advice and guidance with respect to the development of policy in those areas of education policy where rule- and regulation-making authority is entrusted jointly to the Secretary and the State Board. The State Board shall also provide guidance on new initiatives which may from time to time be proposed by the Secretary. The Secretary shall consult with the State Board regularly on such issues to ensure that policy development benefits from the breadth of viewpoint and the stability which a citizens' board can offer and to ensure that rules and regulations presented to the State Board for its approval are developed with input from the State Board. Consistent with its role in shaping critical educational policies, the State Board of Education may also recommend that the Secretary undertake certain initiatives which the State Board believes would improve public education in Delaware;

(2) Provide the Secretary of Education with advice and guidance on the Department's annual operating budget and capital budget requests;

(3) Provide the Secretary of Education with guidance in the preparation of the annual report specified in § 124 of this title, including recommendations for additional legislation and for changes to existing legislation;

(4) Provide the Secretary of Education with guidance concerning the implementation of the student achievement and statewide assessment program specified in § 122(b)(4) of this title;

(5) Decide, without expense to the parties concerned, certain types of controversies and disputes involving the administration of the public school system. The specific types of controversies and disputes appropriate for State Board resolution and the procedures for conducting hearings shall be established by rules and regulations pursuant to § 121(12) of this title;

- (6) Fix and establish the boundaries of school districts which may be doubtful or in dispute, or change district boundaries as provided in §§ 1025, 1026, and 1027 of this title;
- (7) Decide on all controversies involving rules and regulations of local boards of education pursuant to § 1058 of this title;
- (8) Subpoena witnesses and documents, administer and examine persons under oath, and appoint hearing officers as the State Board finds appropriate to conduct investigations and hearings pursuant to paragraphs (b)(5), (6), and (7) of this section;
- (9) Review decisions of the Secretary of Education, upon application for review, where specific provisions of this title provide for such review. The State Board may reverse the decision of the Secretary only if it decides, after consulting with legal counsel to the Department, that the Secretary's decision was contrary to a specific state or federal law or regulation, was not supported by substantial evidence, or was arbitrary and capricious. In such cases, the State Board shall set forth in writing the legal basis for its conclusion;
- (10) Approve such Department rules and regulations as require State Board approval, pursuant to specific provisions of this title, before such regulations are implemented;
- (11) Approve rules and regulations governing institutions of postsecondary education that offer courses, programs of courses, or degrees within the State or by correspondence to residents of the State pursuant to § 121(16) and/or § 122(b)(8) of this title;
- (12) Any provision of Chapter 5 of this title to the contrary notwithstanding, decide appeals of decisions by the board of directors of a charter school to suspend or expel a student for disciplinary reasons. In deciding such cases, the State Board shall employ the same standard of review as is set forth in § 1058 of this title; and
- (13) Digitally record all regular monthly public board meetings of the State Board of Education and make the recordings available to the public on the Department of Education's website within 7 business days of each meeting. These recordings are not official board minutes, but are a means to enhance communication to the public and state legislators. The requirements of this section do not apply to meetings where recording equipment is not available, to executive sessions, or to other meetings of the Board, such as workshops, retreats, and committee meetings. A written transcript of the regular monthly public board meetings that are digitally recorded pursuant to this paragraph, or other reasonable accommodation, will be provided by the Department of Education within 7 business days upon request of a person with a hearing impairment.
- (14) Pursuant to Chapter 33 of this title, serve as the State Board for Vocational-Technical Education (Career and Technical Education) and is the "eligible agency" and sole agency responsible for the supervision of administration of career and technical education for purposes

of the federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) [20 U.S.C. § 2301 et seq.], and any subsequent reauthorization thereof, and subject to its requirements and any implementing regulations. As used in this title, "career and technical education" shall have the same meaning as "vocational-technical education."

(c) The Department, through the Secretary, shall provide reasonable staff support to assist the State Board in performing its duties pursuant to this title and shall, upon request through the Secretary, provide the State Board with reports and data necessary to enable the State Board to perform its duties pursuant to this title. The Secretary of Education, in addition to the Secretary's other duties of office, shall serve as Executive Secretary of the State Board.

(d) The members of the Board shall be appointed solely because of their character and fitness subject to the following qualifications: at least 2 members of the Board shall have had prior experience on a local board of education; no more than 4 members of the Board shall belong to the same political party; no person shall be eligible to appointment who has not been for at least 5 years immediately preceding appointment a resident of this State; and no person shall be appointed to the Board who is in any way subject to its authority.

Any member of the Board shall be eligible for reappointment unless otherwise disqualified by this title. In constituting the Board, the President shall be appointed from the State at large, but the appointments of the remaining 6 members shall be made so that there shall be on the Board at least 1 resident of the City of Wilmington, 2 residents from New Castle County outside the City of Wilmington, 1 from Kent County, 1 from Sussex County, and 1 member at large.

(e) Vacancies on the Board for any cause shall be filled by the Governor for the unexpired term and until a successor shall qualify.

(f) The Governor may appoint members for confirmation by the Senate for terms shorter than 6 years where that is necessary to ensure that Board members' terms expire on a rotating annual basis.

(g) The Board shall meet in Dover in meeting space provided by the Department.

(h) The members of the Board shall receive \$100 for each day's attendance at the meetings of the Board not to exceed 24 days' attendance in any 1 calendar year; and they shall be reimbursed for their actual travel and other necessary expenses incurred in attending meetings and transacting the business of the Board.

### **§ 105 State Board procedures.**

(a) The Board shall hold an annual meeting each year, in Dover, during the month of July. At this meeting the Board shall each year elect 1 of its members to serve as Vice-President. Other meetings shall be held at such times and places as the duties and business of the Board require.

No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

(b) Whenever this Code requires that the State Board approve a regulation or other action proposed by the Department, the State Board shall approve such regulation or action at a meeting held in conformity with Chapter 100 of Title 29. Provided that the Department has complied with Chapter 101 of Title 29 in proposing a regulation or other regulatory action to the extent such action is governed by said Chapter 101, the State Board shall not be subject to said Chapter 101 in approving or refusing to approve such Departmental proposal.

**§ 107 P-20 Council.**

(a) There shall be formed a P-20 Council to coordinate educational efforts of publicly-funded programs from early care through higher education and to foster partnerships among groups concerned with public education. The P-20 Council shall make recommendations designed to ensure a more integrated, seamless education system that enables children to enter school ready to learn, receive challenging instruction throughout their school careers, graduate from high school ready for college and careers, and continue their education through postsecondary study in a way that makes them productive and successful citizens.

(b) The P-20 Council shall be co-chaired by the Secretary of Education and the President of the State Board of Education. The Council members shall include the presidents (or their designees) of the public institutions of higher education in Delaware, along with the presidents of the institutions of higher education offering degree programs in education (or their designees). Additional members shall include the Chair of the Delaware Early Care and Education Council, the Chairs of the House and Senate Education Committees, a representative of the Governor's Office, the Chair of the Business Roundtable Education Committee, the Executive director of the Delaware State Chamber of Commerce, the Secretary of the Department of Labor, the Secretary of the Department of Services for Children, Youth and their Families, the Secretary of the Department of Health and Social Services, the Secretary of the Department of Technology and Information, the Chief of the Delaware Chief School Officers Association, the President of the Delaware State Education Association, the President of the Delaware Parent-Teacher Association and the President of the Charter School Network, or their designees.

(c) The Co-Chairs may also establish such subcommittees as needed and determine the subcommittee memberships.

(75 Del. Laws, c. 62, § 1; 78 Del. Laws, c. 113, §§ 1, 2; 78 Del. Laws, c. 234, § 1.)