



SPONSOR: Sen. Sharp & Rep. Spence ;  
Sens. Adams, Amick, Bair &  
Venables; Reps. Smith, Gilligan &  
VanSant

## DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLES 11, 14, AND 29 OF THE DELAWARE CODE RELATING TO EDUCATION.

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

Section 1. This Act shall be known as the Professional Development and Educator Accountability Act of 2000.

Section 2. Amend Chapter 12, Title 14 of the Delaware Code by designating current Subchapter II, Subchapter III, and Subchapter IV as new Subchapter IV, new Subchapter V, and new Subchapter VI respectively and by deleting the remainder of Chapter 12 in its entirety and inserting in lieu thereof the following:

“CHAPTER 12. EDUCATOR LICENSURE, CERTIFICATION, EVALUATION, AND  
PROFESSIONAL DEVELOPMENT

### *Subchapter I.*

§ 1201. Purpose.

The purpose of this chapter is to establish a system of professional development, professional standards, licensure, certification, and evaluation that serves to continually improve the quality of instruction for Delaware's children so that they are equipped to work and succeed in an ever-changing and increasingly complex global economy. The General Assembly finds that a rigorous system of licensure, certification, professional development, and evaluation designed to support improved student achievement, together with an expansion of the salary system to include compensation for skills and knowledge, will serve to improve the quality of the Delaware educator workforce and to improve student

performance. All educators must be licensed, certified, and evaluated in accordance with this chapter. To develop this system and to ensure that its purposes are achieved, the General Assembly creates the Delaware Professional Standards Board to work in conjunction with the Department of Education and the State Board of Education toward the full implementation of this chapter.

§ 1202. Definitions.

The following definitions apply to this chapter:

(1) ‘State Board’ means the State Board of Education of the State of Delaware pursuant to §104 of this title.

(2) ‘Standard certificate’ means a credential issued to certify that an educator has the prescribed knowledge, skill, and/or education to practice in a particular area, teach a particular subject, or teach a category of students. An educator may be issued one or more certificates.

(3) ‘Certification’ means the issuance of a certificate, which may occur regardless of a recipient’s assignment or employment status.

(4) ‘Delaware Performance Appraisal System II’ (DPAS II) means the evaluation developed and conducted pursuant to this chapter.

(5) ‘Department’ means the Delaware Department of Education.

(6) ‘Educator’ means a public school employee who holds a license issued under the provisions of this chapter, and includes teachers and administrators, and as otherwise defined by the Standards Board and State Board pursuant to § 1203 of this title, but does not include substitute teachers (§1230 of this title).

(7) ‘Emergency certificate’ means a credential which may be issued only if a certified educator is not available through reassignment or hiring and only if the employing district establishes that (a) the proposed recipient of the emergency certificate is competent, and (b) the employing district is committed to support and assist the proposed recipient in achieving the skills and knowledge necessary to meet certification requirements.

(8) 'Evaluator' means an individual or team meeting the minimum qualifications to appraise educator performance, as set forth in the rules and regulations promulgated under § 1271 of this title.

(9) 'License' means a credential which authorizes the holder to engage in the practice for which the license is issued.

(10) 'Paraprofessional' means a public school employee covered by § 1324 of this title.

(11) 'Secretary' means the Secretary of the Delaware Department of Education.

(12) 'Standards Board' means the Professional Standards Board established pursuant to this chapter.

#### §1203. Rules and regulations.

Unless otherwise provided for in this chapter, rules and regulations necessary to implement this chapter must be proposed by the Standards Board subject to approval of the State Board. The Standards Board shall develop rules and regulations in consultation and cooperation with the Department. Once developed, the rules and regulations must be sent to the Executive Secretary of the State Board and must be included on the State Board's agenda no later than the second regular meeting of the State Board following the Executive Secretary's receipt of the rules and regulations. The rules and regulations must be addressed by the State Board when placed on its agenda. If approved by the State Board, rules and regulations have the force and effect of law. The Department shall adopt and publish all rules and regulations pursuant to the provisions of this section and to the provisions of the Administrative Procedures Act.

#### §1205. Professional Standards Board.

(a) Recognizing that well-prepared, effective educators are critical to our students' success and that those entrusted with the achievement of our students should have a voice in the development of policies that affect their profession, there is hereby established the Professional Standards Board. The intent of the General Assembly is that the Standards Board and the Department work in close coordination and collaboration to fully and effectively implement the purposes of this chapter.

(b) The Standards Board shall develop rules and regulations relating to educators' professional development, licensure requirements, certification requirements, teacher preparation, recruitment, and retention, the Delaware Performance Appraisal System II, and evaluator and paraprofessional qualifications and training. The Department shall implement the rules and regulations promulgated and adopted pursuant to this chapter relating to licensure and certification of educators and certification of evaluators, and as otherwise directed by rules and regulations developed under this chapter.

§1206. Composition and governance of the Professional Standards Board.

(a) The Standards Board shall consist of fifteen voting members and one non-voting member as follows:

(1) Eight public school teachers, no less than two from each county, with one being a special education teacher and at least one teacher each from the high school, middle school, and elementary school levels. The eight teachers must be selected from a list supplied by the Delaware State Education Association in accordance with subsection (c) of this section. Each teacher appointed to the Standards Board must have demonstrated excellence in his or her field by achieving honors or special recognition in his or her field, including, but not limited to State, district, or building level Teacher of the Year, National Board for Professional Teaching Standards certification, or the Presidential Award for Excellence.

(2) Three public school administrators, one from each county, selected from a list supplied by the Delaware Association of School Administrators in accordance with subsection (c) of this section.

(3) One member of a local school board selected from a list supplied by the Delaware State School Board Association in accordance with subsection (c) of this section.

(4) Two parents with children in public schools, from separate counties, selected by the Governor.

(5) One representative of higher education selected from a list supplied by the Council of Presidents in accordance with subsection (c) of this section.

(6) The chair of the State Public Education Assessment and Accountability System Advisory Committee, or the chair's designee, is the non-voting member.

(b) The Governor, by and with the consent of a majority of the members elected to the Senate, shall appoint each voting member of the Standards Board for a term of three years, except that initial appointments are for the following terms: five members for an initial term that expires two years following the date of appointment; five members for an initial term that expires three years following the date of appointment; and five members, including the chair of the Standards Board, for an initial term that expires four years from the date of appointment. The Governor shall designate one voting educator-member to serve, at the pleasure of the Governor, as chair of the Standards Board. The members of the Standards Board shall elect a vice-chair. A member of the Standards Board serves until his or her successor is appointed. A member appointed to fill a vacancy serves for the remainder of the term of the member whom he or she replaced. A Standards Board member is eligible for reappointment. If a disciplinary proceeding is initiated against a board member, the member may not participate in Standards Board business until the charge is adjudicated or the matter is otherwise concluded.

(c) With respect to appointments pursuant to subsection (a) of this section, the designated organization shall provide the Governor with a list of potential appointees. The Governor may require that a specific number of potential appointees, up to twenty, be included on any list submitted. The Governor may reject all potential appointees on the list and request up to four additional lists at his or her discretion.

(d) The Standards Board shall have the following standing committees in the following subject areas:

1. Teacher Preparation, Recruitment, and Retention;
2. Licensure and Certification Criteria;
3. Professional Development and Associated Compensation; and
4. The Delaware Performance Appraisal System II (DPAS II).

A standing committee must consist of at least one member of the Standards Board and other persons as may be mutually agreeable to the chair of the Standards Board and the Secretary.

122 (e) The majority of the voting members of the Standards Board shall appoint an executive  
123 director of the Standards Board. The executive director must have been a resident of Delaware for a  
124 minimum of one year immediately prior to his or her appointment, and must have at least 10 years'  
125 experience as a professional educator in a public school system, with at least five years as a classroom  
126 teacher. The executive director acts as secretary to the Standards Board and receives compensation  
127 commensurate with the Department salary schedule. The executive director shall serve at the pleasure of  
128 the majority of the voting members of the Standards Board. The executive director is excluded from  
129 'classified service' and 'state service' as defined in Chapter 59 of Title 29. The Department shall provide  
130 the Standards Board with access to Department personnel who are reasonably necessary to carry out the  
131 duties of the Standards Board.

132 (f) The Standards Board may create any committees that it deems necessary, provided that a  
133 committee created under this subsection does not overlap or otherwise make recommendations in the  
134 subject areas governed by the standing committees designated in subsection (d) of this section. The chair  
135 of the Standards Board may appoint members of the Standards Board to such committees. The Standards  
136 Board may, by mutual agreement between its chair and the Secretary, appoint educators, parents, citizens,  
137 and members of the business community to a committee created under this subsection.

138 (g) A majority of the members of the Standards Board constitutes a quorum. No motion or  
139 resolution of the Standards Board may be adopted without the concurrence of the majority of the  
140 members of the Board plus at least one additional affirmative vote.

141 (h) A member of the Standards Board is entitled to receive an annual salary of \$600 or \$150 per  
142 meeting, whichever is greater, and to be reimbursed for reasonable and necessary expenses incurred in  
143 connection with the performance of official duties. Meetings of the Standards Board may not be held  
144 during normal school hours.

145 (i) Upon the request of the Secretary for advice or recommendations on matters within the  
146 purview of the Standards Board, the Standards Board shall respond to the request within a time frame that  
147 is mutually agreed upon between the Secretary and the chair of the Standards Board.

(j) The initial fifteen voting members of the Standards Board must be appointed no later than ninety days after the enactment of this Act.

(k) The Standards Board is subject to the provisions of the Administrative Procedures Act (Chapter 101 of Title 29).

*Subchapter II. Three-tiered licensure system*

§1210. Tier One - Initial licensure.

(a) An initial license is valid for three years unless revoked. The Department shall issue an initial license under this section if an applicant demonstrates that he or she has received a bachelors degree from an accredited four-year college or university, has completed a student teaching program or the Alternative Routes to Licensure and Certification program, and has achieved a passing score on an examination of general knowledge such as Praxis I.

(b) If a licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of his or her initial license, complete professional development and mentoring activities as may be required by rules and regulations promulgated and adopted pursuant to this chapter.

(c) Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue an initial license to an applicant licensed as an educator in another jurisdiction or to an applicant who previously held a valid Delaware certificate that has since expired.

(d) An initial license may not be renewed. It may, however, be extended pursuant to § 1216 of this chapter.

§1211. Tier Two - Continuing licensure.

(a) A continuing license is valid for five years unless extended pursuant to §1216 of this chapter or revoked.

(b) Upon application, the Department shall issue a continuing license to an educator holding an initial license if the educator has successfully completed the requirements of § 1210 of this chapter and has not received more than one unsatisfactory annual evaluation, as defined by DPAS II, during the period of initial licensure.

(c) Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue a continuing license to an applicant licensed as an educator in another jurisdiction or to an applicant who previously held a valid Delaware certificate that has since expired.

§1212. Continuing licensure - Renewal.

Upon application, the Department shall renew a continuing license for an additional five-year term if the educator has completed ninety clock-hours of approved professional development, as well as other professional development and/or mentoring requirements as may be required by the rules and regulations promulgated and adopted pursuant to this chapter. For the purpose of this section, 'clock-hour' means actual time spent in professional development, not credit hours. The Standards Board shall review the professional development requirements of this section on an on-going basis for the purpose of proposing regulations that modify the minimum requirements of this section and that improve the effectiveness of professional development. Notwithstanding any provisions of this section to the contrary, the Standards Board may not modify the minimum clock-hour requirement of this section until January 1, 2003.

§1213. Tier Three - Advanced licensure.

An advanced license is valid for ten years unless extended pursuant to § 1216 of this chapter or revoked. Upon application, the Department shall issue an advanced license to an educator who receives National Board for Professional Teaching Standards certification. The Department may also issue an advanced license to an educator who, upon application, demonstrates proficiency under an equivalent program that has been approved in rules and regulations promulgated and adopted under this chapter.

§1214. Advanced licensure - Renewal.

Upon application, the Department shall renew an advanced license for an additional ten-year term, provided that the educator maintained proficiency under the program for which the advanced license was first issued.

§1215. Licensure of educators holding professional status certificates or other certificates.

The Department shall issue a continuing license to a person holding a Delaware certificate issued by an education certifying board prior to July 13, 1971, or a professional status certificate issued by the



Department prior to the effective date of this Act. Upon application, the Department shall issue an advanced license to a person holding current National Board for Professional Teaching Standards certification and a current Delaware certificate at the time of enactment of this Act.

§1216. License extension; license freeze.

(a) Upon a showing by an educator of exigent circumstances, the Department may, through rules and regulations promulgated and adopted pursuant to this chapter, issue a license extension for a period not to exceed one year.

(b) An educator may take an extended leave of absence for up to 10 years with no effect upon the validity or expiration of the educator's initial, continuing, or advanced license.

§1217. Denial of license.

Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may refuse to issue a license to an applicant who otherwise meets the requirements of this subchapter upon a finding that the applicant is unfit to be licensed in the State of Delaware. An applicant is entitled to a full and fair hearing before the Standards Board to challenge a denial pursuant to this section.

§1218. Revocation of license.

A license issued under the provisions of this subchapter may be revoked upon the dismissal of the license holder for immorality, misconduct in office, incompetency, willful neglect of duty, or disloyalty and must be revoked upon a finding that the license holder made a materially false or misleading statement in his or her license application. A license holder is entitled to a full and fair hearing before the Standards Board to challenge a revocation pursuant to this section.

§1219. Disclosure.

Pursuant to the rules and regulations promulgated and adopted under this chapter, the Department shall require each applicant for a license under this chapter to disclose his or her criminal conviction history. Failure to disclose a criminal conviction history pursuant to this section is grounds for denial of a license under §1217 of this title, revocation of a license under §1218 of this title, and/or criminal

prosecution under Subchapter VI (Criminal Background Check for Public School Related Employment) of Chapter 85 of Title 11.

### *Subchapter III. Educator Certification*

§1220. Standard certificate.

Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department shall issue a standard certificate to an educator who fully meets the requirements for licensure and has acquired the prescribed knowledge, skill, and/or education to practice in a particular area, to teach a particular subject, or to instruct a particular category of students. Where applicable and available, an applicant for a standard certificate must have achieved a passing score on an examination of content knowledge, such as Praxis II. The Department shall recognize a professional status certificate or standard certificate that is otherwise valid, if issued prior to the effective date of this Act. The Department shall also recognize a limited standard certificate issued prior to the effective date of this Act, provided that the educator successfully completes the requirements set forth in the limited standard certificate.

§1221. Emergency certificate.

Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue an emergency certificate only if a certified educator is not available through reassignment or hiring and only if the employing district establishes that (1) the proposed recipient of the emergency certificate is competent, and (2) the employing district is committed to support and assist the proposed recipient in achieving the skills and knowledge necessary to meet certification requirements.

§1222. Revocation of standard certificate.

A standard certificate must be revoked upon a finding that the certificate holder made a materially false or misleading statement in his or her certificate application or upon revocation of a license issued under this chapter. A certificate holder is entitled to a full and fair hearing before the Standards Board to challenge a revocation pursuant to this section.

§1223. Teaching assignment outside area of certification.

If the employer of an educator assigns the educator to teach in an area outside the educator's certification, the employer may not reduce the salary of the educator as a result of the assignment.

§1270. The Delaware Performance Appraisal System II.

(a) An educator must receive at least one Delaware Performance Appraisal System II (DPAS II) evaluation annually. The evaluation must be consistent with the Delaware Professional Teaching Standards and the Delaware Administrators' Standards, and must otherwise be in accordance with the criteria and requirements of this section. A rebuttable presumption exists that an evaluation is consistent with the Delaware Professional Teaching Standards and the Delaware Administrators' Standards and is in accordance with the criteria and requirements of this section.

(b) The Standards Board, through its Delaware Performance Appraisal System II standing committee, shall develop a new educator evaluation system (DPAS II) to submit for approval by the State Board by July 1, 2000. The DPAS II must include an overall rating and a student-improvement component rating, and must identify what constitutes satisfactory performance and unsatisfactory performance on the overall evaluation and on each component of the evaluation. For the purposes of §1273 of this title, DPAS II must also include a definition of 'pattern of ineffective teaching' as it relates to unsatisfactory performance on the overall DPAS II evaluation. Notwithstanding subsection (a) of this section, the minimum annual evaluation requirement for educators may be waived pursuant to rules and regulations adopted under this chapter for proficient performance on previous evaluations. However, an educator may not receive two consecutive evaluation waivers.

(c) DPAS II must have no more than five components and must have a strong focus on student improvement, with one component dedicated exclusively to student improvement and weighted at least as high as any other component. The measure of student improvement must include an off-grade assessment, if available, along with other measures determined by the DPAS II standing committee, the Standards Board, and the State Board. The measure of student improvement must take into consideration student absence, student mobility, student chronic noncompliance with school rules, chronic failure by parents to abide by the Parents' Declaration of Responsibilities under §157 of this title, and other factors that may adversely affect the evaluation.

(d) The Department shall develop an off-grade annual assessment to measure student improvement. The assessment must be linked to the Delaware Student Testing Program in reading, writing, and math. Assessments must be made available to every district by April 2001, subject to an annual appropriation and approval by the Secretary.

(e) Off-grade annual assessments in other content areas may be developed and, if developed, must be utilized as they become available.

(f) A local school district may develop and implement other assessment tools that measure annual student improvement, including assessments in other content areas. Assessment tools developed and implemented pursuant to this subsection must be approved by the Secretary and the Standards Board and must be funded with local funds.

(g) Nothing in this section prevents a local school district from administering other evaluations in addition to the Delaware Performance Appraisal System II, provided that administration of additional evaluations is reported to the Department.

(h) In order to create an environment in Delaware's public schools whereby each student, teacher, parent, administrator, and school board is presented both with the incentive to improve student achievement and the consequences of failing to do so, school districts should and hereby are encouraged to fashion individual district educator performance appraisal plans which create such an environment.

(1) Notwithstanding any provision of this subchapter or of rules and regulations adopted pursuant to this subchapter to the contrary, the Secretary of the Department of Education has the authority to approve an educator performance appraisal plan which is proposed by a local school district and which meets the conditions set forth in this subsection. The Secretary shall, in connection with this subsection and as requested by a local school district, waive the enforcement of any requirement or provision set forth in Title 14 (or of any rule or regulation promulgated pursuant thereto) which would interfere with the implementation of an approved local district educator performance appraisal plan.

(2) The approval and waiver authority granted to the Secretary in paragraph (1) of this subsection may be exercised only for the entire plan of a local district. A plan may not be

307 amended or supplemented by the Secretary, nor may the Secretary grant some but not all waivers  
308 for which the local district has applied. If the Secretary concludes that a proposed plan does not  
309 meet one or more of the conditions or requirements set forth in this subsection, the plan must be  
310 rejected in its entirety.

311 (3) A school district that wishes to obtain the Secretary's approval of its plan and  
312 associated waivers must apply for approval no less than 11 months prior to the commencement of  
313 the fiscal year during which the plan is to be implemented. The Secretary's final decision  
314 granting or denying approval must be issued not later than 5 months after the filing of a  
315 completed application. However, the Secretary shall forward to the applicant district a proposed  
316 decision regarding the application not later than 4 months after the filing of a completed  
317 application. In the event that the Secretary proposes to deny the application, the applicant district  
318 and the Secretary, or the Secretary's designee, may confer during the period between the district's  
319 receipt of the proposed decision and the date of the Secretary's final decision.

320 (4) The schedule for filing, reviewing, and granting or denying a plan may be amended  
321 by agreement between the Secretary and the applicant district.

322 (5) The Secretary shall approve a plan which, in the judgment of the Secretary, satisfies  
323 the following conditions:

324 A. The plan has been developed in consultation between the school district and  
325 its teachers and has been approved by the district's teachers pursuant to the process by  
326 which the teachers consider collectively bargained agreements with the district.

327 B. The school district, upon implementation of the plan, shall annually measure  
328 in grades 1 through 12 the academic progress of each student not receiving special  
329 education services. Student academic progress must be measured in the core curriculum  
330 areas of English language arts, mathematics, science, and social studies.

331 C. The assessments used to perform the measurements required by subparagraph  
332 B. of this paragraph must comply with §151(d) and (e) of this title and must include the  
333 annual assessments conducted by the Department pursuant to §151(b) and (c) of this title.

334 D. (i) The evaluation of a non-special education teacher who teaches a core  
335 curriculum area of English language arts, mathematics, science, or social studies must be  
336 based predominantly upon a comparison of each of the teacher's student's annual  
337 assessment results with the results either of the preceding year's annual assessment or of  
338 an assessment administered by the district at the commencement of the school year. The  
339 change in academic achievement of each student in each tested area is the basis upon  
340 which each student's academic progress must be measured. The aggregate 'academic  
341 value added' for a teacher is the average of the academic progress measured for all  
342 students taught by the teacher.

343 (ii) Notwithstanding the provisions of subparagraph D.(i) of this paragraph, a  
344 local district plan may provide for the exclusion of a student's academic progress from  
345 the calculation of a teacher's academic value added where: a. the student has been absent  
346 from the teacher's class (whether enrolled in the class or not) for an unacceptable number  
347 of days, as determined by the Secretary; or b. the student's behavior has been so far below  
348 appropriate standards that, pursuant to a process set forth in the plan, the student's  
349 measured academic progress has been excluded by the district from the teacher's  
350 academic value added.

351 (iii) When a teacher, using assessment data other than the annual assessments in  
352 subparagraph D.(i) of this paragraph, can demonstrate that a student's academic progress  
353 is not fairly represented by the annual assessments in subparagraph D.(i) of this  
354 paragraph, a plan may permit, through a process set forth in the plan, the substitution of  
355 the other assessment data for the required measurement of academic progress.

356 E. The district has made provision for the evaluation of special education  
357 teachers and teachers teaching in areas other than the four core curriculum areas.

358 F. The evaluation of an administrator must be based predominantly upon the  
359 appropriate aggregate of student academic progress. For example, the evaluation of a  
360 school principal must be predominantly based upon the aggregate academic progress of

the students in the principal's school, and the evaluation of a school district's director of elementary education must be predominantly based upon the academic progress of the district's elementary students.

§1271. Certification of professional evaluators; monitoring evaluations.

(a) The Standards Board shall develop rules and regulations pursuant to this chapter to credential professional evaluators for the Delaware Performance Appraisal System II, including appropriate training for evaluators. The Department shall ensure that all evaluators are properly trained and credentialed.

(b) To maintain a high standard of quality for professional evaluations, the Standards Board shall develop recommendations for an on-going DPAS II monitoring system to be implemented by the Department. The monitoring system must include a process by which an educator may challenge the fairness of the process used and/or the conclusions reached in an evaluation.

§1272. Improvement plans; professional development.

(a) If the overall rating of an educator's DPAS II evaluation is unsatisfactory, the district shall develop and assign an improvement plan to the educator and provide a reasonable amount of time for the educator to complete the improvement plan. A district shall also make recommendations for improvement if an educator's performance on an individual component of the evaluation is unsatisfactory. An improvement plan must identify the deficiencies in an educator's performance and the professional development activities required to improve the deficiencies to a satisfactory level. An improvement plan pursuant to this section must be developed as part of a collaborative process between the district and the educator where possible, with the district having the final authority to develop and assign the plan. The Standards Board shall develop guidelines for improvement plans required pursuant to this section.

(b) In an effort to promote continuous professional growth and to improve educator performance, the Standards Board shall also develop guidelines for professional development when an educator receives a satisfactory DPAS II evaluation. The guidelines must incorporate specific professional development activities designed to enhance knowledge and skill in areas recommended by an evaluator.

§1273. Incompetency – A pattern of ineffective teaching.

387 A pattern of ineffective teaching shall be defined pursuant to § 1270 of this title.

388 Notwithstanding any case law to the contrary, when a pattern of ineffective teaching is established, a local  
389 school district may move to terminate a teacher (as defined by § 1401 of this title) for incompetency  
390 pursuant to § 1411 or § 1420 of this title. Nothing herein shall be construed to limit a local school  
391 district's ability to terminate a teacher for incompetency under § 1411 or § 1420 of this title where  
392 supported by factors other than a pattern of ineffective teaching and nothing herein shall be construed to  
393 require additional factors beyond a pattern of ineffective teaching to constitute incompetency for purposes  
394 of termination.

395 §1274. Disclosure.

396 If an educator licensed under this chapter is seeking an educator position in this State, the  
397 educator shall disclose the results of his or her most recent three DPAS II evaluations or alternative  
398 evaluations permitted under §1270(h) of this title, if applicable, to a prospective employing district. Upon  
399 the request of the prospective employing district, a present or previous employing district of the educator  
400 shall confirm the results of the educator's previous DPAS II evaluations. No action in law or equity may  
401 be brought or maintained against a local school district or an employee thereof for action taken in  
402 compliance with this section."

403 Section 3. Amend §158(b), Title 14 of the Delaware Code by inserting immediately after the last  
404 sentence of subsection (b) the following: "The Chair of the Professional Standards Board (§1206 of this  
405 title), or the chair's designee, shall be a non-voting member of the Accountability Advisory Committee."

406 Section 4. Amend §1230, Title 14 of the Delaware Code by deleting the word "certification"  
407 wherever it appears therein, and by substituting in lieu thereof the word "licensure"; and by deleting the  
408 word "certificate" wherever it appears therein and by substituting in lieu thereof the word "license".

409 Section 5. Amend § 8572, Title 11 of the Delaware Code by inserting after the word "seeking"  
410 the words "a license under Chapter 12 of Title 14 or".

411 Section 6. Amend new Subchapter V of Chapter 12, Title 14 of the Delaware Code by deleting  
412 the title thereof and replacing it with the following: "*Subchapter V. Special Institute for Teacher*  
413 *Licensure and Certification*".



Section 7. Amend §1250, Title 14 of the Delaware Code by deleting the words “initial standard certificates” from the first sentence thereof and by inserting the words “a license and/or certificate” in lieu thereof; by inserting the words “licensed and” between the words “become” and “certified” in the first sentence thereof ; by deleting the word “certification” in the third sentence thereof and by inserting the words “licensure and certification” in lieu thereof; and by inserting in the fourth sentence between the words “initial” and “certification” the words “licensure and”.

Section 8. Amend §1251, Title 14 of the Delaware Code by deleting the word “certification” where it appears as the fourth word of the first sentence thereof and by substituting in lieu thereof the words “licensure and/or certification”; by deleting the words “standard certificate” from the first sentence of § 1251(4) thereof and by substituting the word “license” in lieu thereof; and by deleting the word “certification” in the second sentence of § 1251(4) and by substituting the word “licensure”.

Section 9. Amend new Subchapter VI of Chapter 12, Title 14 of the Delaware Code by deleting the title thereof and replacing it with the following: “*Subchapter VI. Alternative Routes For Teacher Licensure and Certification*”.

Section 10. Amend §1230, Title 14 of the Delaware Code by deleting the words “The Department of Education with the approval of the State Board of Education shall make rules and regulations” and by inserting in lieu thereof the following: “The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are”.

Section 11. Amend §1250, Title 14 of the Delaware Code by deleting the words “The Department of Education with approval of the State Board of Education shall make rules and regulations” and inserting in lieu thereof the following: “The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are”.

Section 12. Amend §1260, Title 14 of the Delaware Code by striking the phrase "teacher certification program" where it appears in the section heading and in the first sentence of subsection (a) and by substituting in lieu thereof in each place the phrase "teacher licensure and certification program"; by striking "a limited standard certificate" and "the limited standard certificate" as they appear in

subsections (a) and (b) respectively and by substituting in lieu thereof in each place the phrase "an initial license and a certificate or certificates"; and by striking the phrase "2 years" as it appears in subsection (a) and by substituting in lieu thereof "3 years".

Section 13. Amend §1260, Title 14 of the Delaware Code by striking the word "Candidates" as it appears in the first sentence of §1260(a) and by substituting in lieu thereof "Subject to §1217 of this title and notwithstanding any other provision in this chapter to the contrary, candidates"; and by striking the phrase "proposed by the Secretary subject to approval by the State Board" as it appears in §1260(c) and by substituting in lieu thereof "promulgated and adopted pursuant to §1203 of this title".

Section 14. Amend §1261, Title 14 of the Delaware Code by striking the phrase "teacher certification program" wherever it appears therein, including the section heading, and by substituting in lieu thereof "teacher licensure and certification program"; by striking the word "Department" wherever it appears therein and by substituting in lieu thereof in each place "Standards Board and the State Board of Education under §1203 of this title"; and by deleting "the school administration" where it appears twice in §1261(b)(2) thereof and by substituting in lieu thereof in the first place "certified evaluators" and in the second place "the certified evaluators".

Section 15. Amend §1261(d), Title 14 of the Delaware Code by striking subsection (d) in its entirety and by substituting in lieu thereof the following:

"(d) Notwithstanding the foregoing, the Secretary, pursuant to rules and regulations promulgated and adopted pursuant to §1203 of this title, may implement other alternative routes to teacher licensure and certification programs, provided the programs meet the minimum criteria set forth in subsection (b) of this section."

Section 16. Amend §1262, Title 14 of the Delaware Code by striking the phrase "teacher certification program" where it appears in the section heading and in subsection (a) and by substituting in lieu thereof "teacher licensure and certification program"; by striking the phrase "the school administration" as it appears in subsection (a) and by substituting in lieu thereof "certified evaluators"; and by striking the word "administrators" as it appears in subsection (b) and by substituting in lieu thereof the word "evaluators".

Section 17. Amend §1262(b), Title 14 of the Delaware Code by striking the phrase "employment or certification" and by substituting in lieu thereof the phrase "licensure, certification, or employment".

Section 18. Amend §1263, Title 14 of the Delaware Code by striking the phrases "teacher certification training program" and "teacher certification program" wherever they appear, including the section heading, and by substituting in lieu thereof the phrase "teacher licensure and certification program"; by inserting between the words "for" and "certification" in the section heading the words "initial licensure and"; by striking "school administration" as it appears the first time in §1263(e) and by substituting in lieu thereof "certified evaluators"; and by striking the phrase "school administration" wherever it appears in §1263 and by substituting in lieu thereof the phrase "certified evaluators".

Section 19. Amend §1263, Title 14 of the Delaware Code by striking the phrase "standard certificate" as it appears in §1263(a) and by substituting in lieu thereof "license"; by striking the phrase "standard certificate" in §1263(c)(1) and by substituting in lieu thereof the words "license or recommends the issuance of an initial license and certificate"; by striking the words "standard certificate" in §1263(c)(2) and (3) and by substituting in lieu thereof in both places the word "license"; by striking the words "teacher certification" in §1263(c)(2) and by substituting in lieu thereof the words "teacher licensure and certification program"; and by striking "routes for" where it appears twice in §1263(f) and by substituting in lieu thereof "routes for teacher licensure and".

Section 20. Amend §1263(e), Title 14 of the Delaware Code by deleting the words "standard certificate" and inserting the word "license"; by deleting the words "certification recommendation" and by inserting in lieu thereof the words "initial licensure and certification recommendation"; and by deleting "concerning certification" and by substituting in lieu thereof "concerning initial licensure and certification".

Section 21. Amend §1264, Title 14 of the Delaware Code by striking the phrase "teacher certification program" and "teacher certification programs" wherever they appear, including the section heading, and by substituting in lieu thereof "teacher licensure and certification program" or "teacher licensure and certification programs", whichever is appropriate; and by striking the word "standard" as it appears in the first sentence of §1264(a) and by substituting in lieu thereof "licensure or".

Section 22. Amend §1264, Title 14 of the Delaware Code by striking the words "Department of Education" and the word "Department" wherever they appear therein and by substituting in lieu thereof "Standards Board"; by striking the phrase "policy, as approved by the State Board" as it appears in §1264(b) and by substituting in lieu thereof "rules and regulations promulgated and adopted pursuant to §1203 of this title"; by striking the phrase "concerning the certification" as it appears in §1264(b) and by substituting in lieu thereof "concerning the licensure and/or certification"; and by striking the phrase "appeals of certificate" as it appears in §1264(b) and by substituting in lieu thereof "appeals of license and/or certificate".

Section 23. Amend §122, Title 14 of the Delaware Code by deleting §122(b)(6) in its entirety; by renumbering the paragraphs in §122(b) accordingly; and by adding a new §122(c) as follows:

“(c) The Department shall implement rules and regulations promulgated and adopted by the Professional Standards Board and State Board of Education pursuant to §1203 of this title governing qualifications, licensure, and certification of educators in all public schools of this State.”.

Section 24. A board or commission established under Title 24 of the Delaware Code which regulates the license and professional conduct of a person who may be employed as a public school employee shall retain jurisdiction over the licensure and regulation of the employee, provided, however, that the Professional Standards Board, subject to the approval of the State Board of Education, may develop rules and regulations pertaining to certification of the employee as may be required for employment in the public schools of the State.

Section 25. By July 1, 2000, the Department shall begin issuing licenses and certificates as prescribed by this Act to applicants not previously certified in the State of Delaware, subject to the development and approval of rules and regulations. Applicants who apply prior to July 1, 2000, will be processed for certification consistent with the procedures in place prior to the enactment of this Act. Educators who hold valid certificates upon the enactment of this Act or valid certificates issued prior to July 1, 2000 will be issued licenses and certificates as prescribed by this Act. The Department shall develop a fair process to phase in these educators beginning January 15, 2001. The Department shall also

develop by September 1, 2000, a timeline for issuing licenses and certificates to persons seeking licensure and certification who have previously held valid certificates in the State of Delaware prior to the enactment of this Act. Until rules and regulations are developed and approved, the Department shall issue certificates in a manner consistent with the procedures in place prior to the enactment of this Act.

Section 26. The Department of Education, in consultation with the Professional Standards Board and the State Board of Education, shall review capacity issues within the Department of Education and local school districts to implement the provisions of this Act. Based on that review, the Department of Education shall incorporate recommendations into its Fiscal Year 2001 and Fiscal Year 2002 Budget Requests.

Section 27. Amend §1305, Title 14 of the Delaware Code by striking §1305(a), in its entirety and substituting in lieu thereof the following:

“(a) The annual salaries of employees who are paid under this section and who are employed on a 10-month contract, shall be based on the following indexed schedule:

Education									
Years of Experience	No Degree	Bachelor's Degree	Bachelor's Degree Plus 15 Graduate Credits	Bachelor's Degree Plus 30 Graduate Credits	Master's Degree	Master's Degree Plus 15 Graduate Credits	Master's Degree Plus 30 Graduate Credits	Master's Degree Plus 45 Graduate Credits	Doctor's Degree
0	0.960	1.000	1.040	1.080	1.140	1.180	1.220	1.260	1.300
1	0.970	1.010	1.050	1.090	1.150	1.190	1.230	1.270	1.310
2	0.979	1.020	1.060	1.100	1.160	1.200	1.240	1.280	1.320
3	1.015	1.055	1.095	1.135	1.195	1.235	1.275	1.315	1.355
4	1.045	1.082	1.118	1.155	1.209	1.245	1.290	1.330	1.370
5	1.082	1.118	1.155	1.191	1.245	1.282	1.318	1.355	1.391
6	1.118	1.155	1.191	1.227	1.282	1.318	1.355	1.391	1.427
7	1.155	1.191	1.227	1.264	1.318	1.355	1.391	1.427	1.464
8	1.191	1.227	1.264	1.300	1.409	1.445	1.482	1.518	1.555
9	1.227	1.264	1.300	1.336	1.445	1.482	1.518	1.555	1.591
10			1.336	1.373	1.482	1.518	1.555	1.591	1.627
11			1.373	1.409	1.518	1.555	1.591	1.627	1.664
12				1.445	1.555	1.591	1.627	1.664	1.700
13				1.482	1.591	1.627	1.664	1.700	1.736
14					1.627	1.664	1.700	1.736	1.773
15							1.736	1.773	1.809

In addition to the indices specified in the schedule contained in this subsection, the following shall apply to certain individuals who are paid in accordance with this schedule and who were employed by a school board in Delaware on June 30, 1994:

(1) An employee with no degree who was paid in accordance with the 8-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.227 for the fiscal year ending June 30, 1995, and at an index of 1.264 for the fiscal year ending June 30, 1996, and at an index of 1.300 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(2) An employee with no degree who was paid in accordance with the 9-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.264 for the fiscal year ending June 30, 1995, and at an index of 1.300 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(3) An employee with no degree who was paid in accordance with the 10-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.264 for the fiscal year ending June 30, 1995, and at an index of 1.300 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(4) An employee with a bachelor's degree who was paid in accordance with the 8-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.264 for the fiscal year ending June 30, 1995, and at an index of 1.300 for the fiscal year ending June 30, 1996, and at an index of 1.336 for the fiscal year ending June 30, 2000 and for subsequent fiscal years.

(5) An employee with a bachelor's degree who was paid in accordance with the 9-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.300 for the fiscal year ending June 30, 1995, and at an index of 1.336 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(6) An employee with a bachelor's degree who was paid in accordance with the 10-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.300 for the fiscal year ending June 30, 1995, and at an index of 1.336 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(7) An employee with a bachelor's degree plus 15 credits who was paid in accordance with the 10-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.373

for the fiscal year ending June 30, 1995, and at an index of 1.409 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(8) An employee with a bachelor's degree plus 15 credits who was paid in accordance with the 11-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.373 for the fiscal year ending June 30, 1995, and at an index of 1.409 for the fiscal year ending June 30, 2000, and for subsequent fiscal years."

Section 28. Amend §1305, Title 14 of the Delaware Code by deleting the number "\$19,313" in the first sentence of §1305(b) and inserting the number "\$ 21,669".

Section 29. Section 27 and Section 28 of this Act shall be retroactive to September 1, 1999.

Section 30. Amend §1305, Title 14 of the Delaware Code by deleting §1305(e) in its entirety and substituting in lieu thereof the following:

"(e) Beginning in fiscal year 2000, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 185 full work days to be utilized as follows:

(1) 180 days devoted to actual school sessions for pupils;

(2) 2 days devoted to start-up/closing;

(3) 3 days devoted solely to professional development.

(f) Beginning in fiscal year 2001, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 187 full workdays to be utilized as follows:

(1) 180 days devoted to actual school sessions for pupils;

(2) 2 days devoted to start-up/closing;

(3) 5 days devoted solely to professional development.

(g) Beginning in fiscal year 2002, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 189 full workdays to be utilized as follows:

(1) 180 days devoted to actual school sessions for pupils;

(2) 2 days devoted to start-up/closing;

(3) 7 days devoted solely to professional development.



(h) Beginning in fiscal year 2003, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 190 full workdays to be utilized as follows:

(1) 180 days devoted to actual school sessions for pupils;

(2) 2 days devoted to start-up/closing;

(3) 8 days devoted solely to professional development.

(i) The Department of Education with the approval of the State Board of Education may reduce the number of hours devoted to actual school sessions for pupils and/or educators for just cause or upon showing unusual circumstances.

(j) A full workday shall be defined by the Department of Education with the approval of the State Board of Education.

(k) Beginning in fiscal year 2001, local school districts shall provide a local salary supplement for each full workday in excess of 185 workdays. This supplement must be equal to or greater than the per diem local salary supplement in effect during fiscal year 2000 for each grade and step. To the extent that a local school district is unable to provide a local salary supplement, it may make application under subsection (i) of this section.

(l) In addition to the base salary derived from subsections (a) and (b) of this section, an employee paid in accordance with this section is eligible to earn additional salary supplements for gaining skills and knowledge that lead to more effective instruction. The Professional Standards Board, with approval of the State Board of Education, shall designate through regulation the specific professional development activities and specific areas of skills and knowledge that an employee can undertake and/or obtain in order to receive a skills and knowledge salary supplement. The supplement must be in the form of an additional salary amount spread evenly across an employee's contract period similar to base salary. The supplement must be no less than 2% of the base salary derived from subsections (a) and (b) of this section and no more than 6% of this base salary, except as provided for in subsection (m) of this section. The Professional Standards Board, with approval of the State Board of Education, shall designate the specific percentage for each specific skills and knowledge supplement through regulations promulgated to implement the provisions of this section. The percentage must be uniform across the State. Also, the

Professional Standards Board shall, with approval of the State Board of Education, designate which of the supplements, if any, shall be permanent and which of the supplements, if any, shall require renewal or re-qualification on a periodic basis. The provisions of this subsection shall become effective in fiscal year 2001. The supplements described in this subsection are subject to an annual appropriation. The Department of Education shall provide for funding the supplement provisions of this subsection in its annual budget.

(m) In addition to the base salary derived from subsections (a) and (b) of this section, an employee who has achieved certification from the National Board for Professional Teaching Standards or from an equivalent program approved by the State Board shall receive a salary supplement equal to 12% of the base salary so derived. The Professional Standards Board, with the approval of the State Board of Education, may authorize stipends pursuant to this subsection in fiscal year 2000. The supplement shall be in the form of an additional salary amount spread evenly across an employee's contract period similar to base salary. Funding for National Board certification described in this subsection is subject to an annual appropriation. The Department of Education shall provide for funding the supplement provisions of this subsection in its annual budget.

(n) An employee paid in accordance with this section may earn multiple salary supplements pursuant to subsections (l) and (m) of this section. The supplements must be computed as a percentage of the base salary derived from subsections (a) and (b) of this section; the percentages may not to be computed on a salary that includes a previously earned supplement amount.

(o) In addition to the base salary derived from subsections (a) and (b) of this section and any supplements provided pursuant to subsections (l) and (m) of this section, an employee paid in accordance with this section is eligible to earn additional salary supplements for accepting additional responsibility assignments that impact student achievement. The Professional Standards Board has the authority to review and make recommendations regarding additional responsibility supplements for administrators. The Professional Standards Board, with the approval of the State Board of Education, shall designate through regulation the specific assignments that an employee may accept in order to receive a State-funded salary supplement. The supplement must be in the form of an additional salary amount spread

645 evenly across an employee's contract period similar to base salary. The supplement must be no less than  
646 \$750 and no more than \$1,500. In addition to the State specified assignments designated by the  
647 Professional Standards Board and State Board pursuant to Chapter 12 of this title, a local school district,  
648 with the approval of the Standards Board and the State Board, and through regulatory action of the local  
649 board, may designate specific academic assignments that an employee may accept in order to receive a  
650 State-funded salary supplement. An assignment designated pursuant to this subsection must be academic  
651 in nature and may not include extra-curricular activities or non-instructional supervisory responsibilities.  
652 The provisions of this subsection become effective in fiscal year 2001, except that the Professional  
653 Standards Board, subject to State Board approval, may, pursuant to §1203 of this title, authorize stipends  
654 for educator lead mentors in fiscal year 2000. The State-funded salary supplements described in this  
655 subsection are subject to an annual appropriation. The Department of Education shall provide for funding  
656 the supplement provisions of this subsection in its annual budget.

657 (p) To ensure that the professional development activities designated for remuneration in  
658 subsections (l), (m) and (o) of this section are of high quality and will lead to improvements in teacher  
659 effectiveness and improvements in student achievement, the Professional Standards Board, with the  
660 approval of the State Board of Education, shall identify activities that will permit an educator to be  
661 eligible for both skills and knowledge supplements and additional responsibility supplements. Salary  
662 supplements defined in this Act must not exceed fifteen percent of the State share for an employee  
663 covered by the provisions of this Act. The Standards Board shall annually review these supplements and  
664 promulgate and adopt recommendations pursuant to § 1203 of this title as necessary.

665 (q) Beginning with fiscal year 2003, movement into the Bachelors Plus 15 and Bachelors Plus 30  
666 columns on the salary schedule contained in subsection (a) of this section shall be approved only if the  
667 credits earned are matriculated graduate credits earned toward a Master's Degree. Beginning with fiscal  
668 year 2003, movement into the Masters Plus 15, Masters Plus 30, and Masters Plus 45 columns on the  
669 salary schedule contained in subsection (a) of this section shall be approved if (1) the credits earned  
670 through a graduate-level course of study are clearly related to the individual's professional responsibilities  
671 and otherwise approved pursuant to Chapter 12 of this Title; (2) the credits are towards a second Master's

Degree; or (3) if the credits earned are matriculated graduate credits earned towards a Doctorate Degree.

No employee shall be moved leftward on the salary schedule contained in subsection (a) of this section due to the provisions contained in this subsection.”

Section 31. Amend § 9219(a), Title 14 of the Delaware Code by striking the index schedule contained in subsection (a) in its entirety and by substituting in lieu thereof the following:

**“SALARY PLAN A**

**DELAWARE TECHNICAL & COMMUNITY COLLEGE**

**INDEX SCHEDULE**

Years of Exp.	No Degree	Assoc. Degree	Bach. Degree	Bach. Degree Plus 15 Grad. Credits	Bach. Degree Plus 30 Grad. Credits	Mast. Degree Plus 15 Grad. Credits	Mast. Degree Plus 30 Grad. Credits	Mast. Degree Plus 45 Grad. Credits	Doctor's Degree
0	0.900	0.960	1.000	1.040	1.080	1.120	1.160	1.200	1.260
1	0.926	0.986	1.025	1.065	1.105	1.146	1.186	1.226	1.286
2	0.950	1.011	1.050	1.089	1.130	1.170	1.210	1.250	1.311
3	0.957	1.014	1.052	1.090	1.140	1.180	1.219	1.258	1.316
4	0.964	1.019	1.055	1.091	1.152	1.190	1.228	1.265	1.322
5	1.001	1.055	1.091	1.128	1.164	1.200	1.237	1.273	1.328
6	1.037	1.091	1.128	1.164	1.200	1.237	1.273	1.310	1.364
7	1.074	1.128	1.164	1.200	1.237	1.273	1.310	1.346	1.401
8	1.110	1.164	1.200	1.237	1.273	1.310	1.346	1.382	1.437
9	1.146	1.200	1.237	1.273	1.310	1.346	1.382	1.419	1.473
10	1.155	1.237	1.273	1.310	1.346	1.382	1.419	1.455	1.509
11	1.155	1.246	1.310	1.346	1.382	1.419	1.455	1.491	1.546
12	1.155	1.246	1.319	1.382	1.419	1.455	1.491	1.528	1.582
13	1.155	1.246	1.319	1.391	1.455	1.491	1.528	1.564	1.618
14	1.155	1.246	1.319	1.391	1.464	1.528	1.564	1.600	1.655
15	1.155	1.246	1.365	1.410	1.501	1.564	1.600	1.637	1.691
16	1.155	1.246	1.374	1.419	1.510	1.600	1.637	1.673	1.728
17	1.155	1.246	1.374	1.419	1.510	1.609	1.646	1.682	1.737
18	1.155	1.246	1.374	1.419	1.510	1.609	1.646	1.682	1.737
19	1.155	1.246	1.374	1.419	1.510	1.609	1.646	1.682	1.737
20	1.155	1.246	1.374	1.419	1.510	1.637	1.682	1.728	1.819
21	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.828
22	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.828
23	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.828
24	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.828
25	1.155	1.246	1.374	1.419	1.510	1.682	1.728	1.773	1.864
26	1.155	1.246	1.374	1.419	1.510	1.692	1.737	1.783	1.873

INDEX DERIVATION

Base = 1.00

682           The base salary for 10-month Plan A employees of Delaware Technical and Community College  
683 shall be calculated by using the salary amount specified for the Bachelor's Degree, 0 years experience  
684 amount from §1305(b) of this title divided by .7 to account for 100% State funding.”

685           Section 32. Section 31 of this Act shall be retroactive to August 16, 1999 for Salary Plan A  
686 employees and retroactive to September 1, 1999 for Salary Plan D employees. A joint review of the pay  
687 plans and index for Salary Plans A and D shall be undertaken by representatives of Delaware Technical &  
688 Community College, the Office of the Budget and the Office of the Controller General to determine the  
689 College's ability to attract and retain qualified faculty consistent with the college's overall evaluation  
690 system. Findings and recommendations shall be made to the Joint Finance Committee by April 30, 2000.

691           Section 33. The Department of Education, in cooperation and consultation with the Professional  
692 Standards Board, shall annually identify budgetary issues of the Professional Standards Board for  
693 inclusion in the Department's annual budget request.

694           Section 34. For Fiscal Year 2001 and 2002, the Professional Standards Board and the State  
695 Board shall develop rules and regulations pursuant to § 1203 of Title 14 regarding skills and knowledge  
696 and leadership supplements and the rightward movement on the pay scale. In no event shall an educator  
697 be permitted to double count credits and/or other relevant coursework to benefit more than one salary  
698 scale or supplement.

699           Section 35. Amend §1301(2), Title 14 of the Delaware Code by striking the period (“.”) that  
700 appears at the end of this subsection and substituting in lieu thereof the following: “unless provided  
701 otherwise in this chapter.”

702           Section 36. Amend §1312, Title 14 of the Delaware Code by adding a new sentence at the end of  
703 subsection (a) that reads as follows: “A graduate of a five-year pre-service program that includes an  
704 extensive clinical component in the fifth year, or a graduate of a four-year pre-service program who  
705 graduates with a grade point average (GPA) of 3.75 or higher on a 4.0 scale, or the equivalent, must be  
706 granted one year of experience in addition to any other experience granted in accordance with this  
707 section.”.

708           Section 37. Section 36 becomes effective June 30, 2001.

709           Section 38. Amend § 1313, Title 14 of the Delaware Code by deleting §1313 in its entirety and  
710 inserting in lieu thereof the following:

711           "§1313. Employment requirements.

712                     A person may not be employed by a public school employer in any position requiring  
713 licensure and certification if the person does not meet licensure and certification requirements  
714 established under Chapter 12 of this title, except pursuant to a license extension and/or  
715 emergency certificate issued pursuant to Chapter 12. A person's salary may not be reduced  
716 because he or she is employed under a license extension and/or emergency certificate."

717           Section 39. Amend §1318(g), Title 14 of the Delaware Code by deleting "1/185" as it appears  
718 therein and substituting in lieu thereof the following: "1/185 in the fiscal year beginning July 1, 1999;  
719 1/187 in the fiscal year beginning July 1, 2000; 1/189 for the fiscal year beginning July 1, 2001; and  
720 1/190 for the fiscal year beginning July 1, 2002; and each succeeding fiscal year," and by deleting  
721 "1/204" as it appears therein and substituting in lieu thereof the following: "1/204 in the fiscal year  
722 beginning July 1, 1999; 1/206 in the fiscal year beginning July 1, 2000; 1/208 for the fiscal year  
723 beginning July 1, 2001; and 1/209 for the fiscal year beginning June 1, 2002 and each succeeding fiscal  
724 year".

725           Section 40. Amend §1320, Title 14 of the Delaware Code by deleting "1/185" as it appears  
726 therein and substituting in lieu thereof the following: "1/185 in the fiscal year beginning July 1, 1999;  
727 1/187 in the fiscal year beginning July 1, 2000; and 1/189 for the fiscal year beginning July 1, 2001; and  
728 1/190 for the fiscal year beginning July 1, 2002 and each succeeding fiscal year"; and by deleting "1/204"  
729 as it appears therein and substituting in lieu thereof the following: "1/204 in the fiscal year beginning July  
730 1, 1999; 1/206 in the fiscal year beginning July 1, 2000; 1/208 for the fiscal year beginning July 1, 2001;  
731 and 1/209 for the fiscal year beginning June 1, 2002 and each succeeding fiscal year".

732           Section 41. Amend §1703(j), Title 14 of the Delaware Code by deleting "1/185" each place that  
733 it appears therein and substituting in lieu thereof the following: "1/185 in the fiscal year beginning July 1,  
734 1999; 1/187 in the fiscal year beginning July 1, 2000; and 1/189 for the fiscal year beginning July 1,  
735 2001; and 1/190 for the fiscal year beginning July 1, 2002 and each succeeding fiscal year".

736           Section 42. Amend §1322(a), Title 14 of the Delaware Code by deleting "(185 days)" as it  
737 appears therein.

738           Section 43. Amend §1703, Title 14 of the Delaware Code by deleting "1/185" as it appears in  
739 subsection (e) and subsection (f) therein, and by inserting in lieu thereof in each place "the daily rate  
740 defined in subsection (j) of this section".

741           Section 44. Amend §1318A(b)(10), Title 14 of the Delaware Code by deleting "185 days for a  
742 10-month employee, 204 days for an 11-month employee" as it appears therein and by inserting in lieu  
743 thereof "185 days in the fiscal year beginning July 1, 1999, 187 days in the fiscal year beginning July 1,  
744 2000, 189 days for the fiscal year beginning July 1, 2001, and 190 days for the fiscal year beginning July  
745 1, 2002 and each succeeding fiscal year for a 10-month employee; 204 days in the fiscal year beginning  
746 July 1, 1999, 206 days in the fiscal year beginning July 1, 2000, 208 days for the fiscal year beginning  
747 July 1, 2001, and 209 days for the fiscal year beginning June 1, 2002 and each succeeding fiscal year for  
748 11-month employees".

749           Section 45. Amend §4116(b), Title 14 of the Delaware Code by deleting "1305(e)" as it appears  
750 therein and by inserting in lieu thereof "1305".

751           Section 46. Amend §1705(a), Title 14 of the Delaware Code by inserting the words "all  
752 applicable" after the word "with" as it appears in the first sentence.

753           Section 47. Amend §1716, Title 14 of the Delaware Code by striking subsection (e) in its entirety  
754 and substituting in lieu thereof the following:

755           “(e) The programs authorized under this section shall operate for the number of hours of  
756 employment as specified by §1305 of this title, and personnel employed with funds authorized under this  
757 section shall be paid in accordance with §1305 of this title. Units may be used to fund extended year  
758 programs using a formula of 1 unit for each individual employed for the number of hours of employment  
759 as specified by §1305 of this title. School districts are also authorized to employ 2 service aides or 2  
760 instructional aides for each unit in lieu of 1 person employed under §1305 of this title, provided that such  
761 aides are paid in accordance with the salary schedule contained in §1324 of this title.”

Section 48. Amend §1716A(g), Title 14 of the Delaware Code by deleting the words “180 pupil days and 185 employment days described in §1305(e)” and substituting in lieu thereof the following: “the full work days of employment as described in §1305”.

Section 49. Amend §2804(b), Title 14 of the Delaware Code by striking the words “185-day work year at a daily rate equal to 1/185 per day of the state teacher salary schedule in effect” and substituting in lieu thereof “full work days of employment as defined in §1305 of this title at the daily rate defined in §1703(j) of this title”.

Section 50. Amend §1092, Title 14 of the Delaware Code by deleting “the Department with the approval of the State Board of Education” and substituting in lieu thereof “the Professional Standards Board and the State Board of Education pursuant to § 1203 of this title.”

Section 51. Amend §154(c) Title 14 of the Delaware Code by striking the third sentence as it appears therein in its entirety and substituting in lieu thereof the following: “Biennial monetary awards in the amount of \$1,500 per Division I unit shall be made available to those schools which demonstrate superior absolute performance, improvement performance, or distributional performance. A school may qualify for a monetary reward by meeting any of these three criteria, but in no case shall a school receive more than one monetary award per measurement cycle.”

Section 52. Amend §154(c), Title 14 of the Delaware Code by adding a new sentence at the end of subsection (c) to read as follows: “For purposes of this subsection, salary supplements may be considered a school improvement purpose.”.

Section 53. The Budget Director and the Controller General have the authority to establish 1.0 position within the Department of Education and transfer funds to implement this Act from the State Budget Office, Education Contingency Fund (10-02-04). The 1.0 general fund position shall be for an Executive Director for the Professional Standards Board to be compensated at the education associate level.

Section 54. Amend § 10161(a), Title 29 of the Delaware Code by deleting the word “and” in §10161(a)(45) and by renumbering current § 10161(a)(46) as § 10161(a)(47) and by inserting as new §10161(a)(46) the following: “(46) The Professional Standards Board; and”.



Section 55. Amend §151(g), Title 14 of the Delaware Code by deleting the current subsection (g) as found therein and substituting in lieu thereof a new subsection (g) to read as follows:

“(g) Each local school district shall establish alternate assessments for children with disabilities who cannot participate in the statewide assessment of student achievement even with appropriate accommodations and modifications. Alternate assessments must be developed and used in the annual statewide assessment beginning not later than July 1, 2000. Each local school district, through the individual student’s Individualized Education Program Team or 504 Team, shall determine what assessment the student will take, and if the Statewide assessment is administered, what accommodations and/or modifications will be utilized. However, no student shall be denied the opportunity to take the state assessments administered pursuant to (b) and (c) of this section.”

Section 56. Amend §152, Title 14 of the Delaware Code by striking §152 in its entirety and by substituting in lieu thereof the following:

"§152. State high school diploma requirements; certificate of performance.

(a) Effective for students graduating from high school in 2004, there are two (2) State high school diplomas: a Standard Diploma and an Academic Diploma. The Department shall clearly indicate on the face of each diploma the name of the diploma issued and the general requirements completed by a student who receives the diploma.

(b) The Department shall award an Academic Diploma to a student who successfully completes prescribed course requirements established by the State, or the district, if district credit requirements are higher than those of the State, and demonstrates a proficient level of performance relative to the State high school content standards on the assessments administered pursuant to §151(b) and (c) of this title. The Department, by regulation, shall define the level of performance on the State assessments necessary for a student to receive an Academic Diploma. The definition may provide for a weighted average of the results on the assessments pursuant to §151(b) and (c) of this title which will demonstrate a satisfactory level of performance to receive an Academic Diploma. A weighted average must place a higher priority on the assessments pursuant to §151(b) of this title than those administered pursuant to §151(c) of this title.

(c) A high school student who fails to achieve a proficient level of performance on the statewide high school assessment required by §151(b) and (c) of this title must retake the assessment at least once in each succeeding year until the student achieves the established level of performance. A student taking an alternate assessment pursuant to §151(g) of this title shall be exempt from this requirement.

(d) The Department shall award a Standard Diploma to a student who successfully completes prescribed course requirements established by the State, or the district, if district credit requirements are higher than those of the State, if the student does not meet the additional requirements for an Academic Diploma.

(e) The Department shall issue a certificate of performance to a student who has met the requirements of the student's Individualized Education Program but has not completed the high school graduation course credit requirements established by the State, or the district, if higher than the State and has not demonstrated the proficient level of performance established pursuant to subsection (b) of this section.”.

Section 57. Amend §153(d), Title 14 of the Delaware Code by deleting paragraphs (1), (2), (3), (4) and (5) in their entirety and by inserting in lieu thereof the following:

“(1) A 3<sup>rd</sup>, 5<sup>th</sup> or 8<sup>th</sup> grade student, whose performance on the reading portion of the assessments administered pursuant to §151(b) of this title does not meet grade level proficiency, shall not advance to the next grade unless:

- (A) The student's parent(s) or guardian and the school district agree on an individual improvement plan (including but not limited to summer school, before and/or after school instruction, Saturday school, and tutoring) to remediate those areas of weakness demonstrated on the State assessment; or
- (B) If no agreement pursuant to subparagraph (A) of this paragraph can be reached, the student attends a summer school program and demonstrates a proficient level of reading performance on the State assessment prior to the commencement of the next school year; or
- (C) The student has previously been retained for two (2) years because of inadequate academic performance.

(2) An 8<sup>th</sup> grade student, whose performance in the math portion of the assessments administered pursuant to §151(b) of this title does not meet grade level proficiency, shall not advance to the next grade unless:

- (A) The student's parent(s) or guardian and the school district agree on an individual improvement plan (including but not limited to summer school, before and/or after

847 school instruction, Saturday school, and tutoring) to remediate those areas of  
848 weakness demonstrated on the State assessment; or

849 (B) If no agreement pursuant to subparagraph (A) of this paragraph can be reached, the  
850 student attends a summer school program and demonstrates a proficient level of  
851 math performance on the State assessment prior to the commencement of the next  
852 school year; or

853 (C) The student has previously been retained for two years because of inadequate  
854 academic performance.

855 (3) A student who advances to the next school year due to an individual improvement plan agreed  
856 to under (1) (A) and/or (2) (A) of this subsection must demonstrate at the end of that school year  
857 proficiency on the State assessment in which he or she had failed to reach proficiency. If a student does not  
858 demonstrate proficiency at the end of that school year, the student must be retained.

859 (4) With respect to a student whose performance continues to be deficient after completion of the  
860 retention year, the Department may not require that the student's district retain the student at grade level for  
861 another year, but shall require that the district develop an individual improvement plan pursuant to  
862 Department regulations. The Department regulations must require that each individual improvement plan  
863 identify a specific course of study for the student and the academic improvement activities the student must  
864 undertake in order to improve the student's ability to a proficient level. Academic improvement activities  
865 may include mandatory participation in summer school, extra instruction, and mentoring programs.

866 (5) The State funding for the individual improvement plans under (1) (A) and (2) (A) of this  
867 subsection shall be limited to the 'extra time' funding provided by annual appropriation by the  
868 General Assembly.”.

869 Section 58. Amend §153 of Title 14, Delaware Code by deleting subsection (g) in its entirety, and by  
870 substituting in lieu thereof a new subsection (g) to read as follows:

871 “(g) Those students administered alternate assessments pursuant to §151(g) of this Title shall not  
872 be subject to the provisions of subsection (d) of this section.”.

873 Section 59. Amend §153(d)(6) of this Title by deleting in the second sentence of that paragraph, the phrase  
874 “mandatory participation in summer school.”.

875           Section 60. Any rules or regulations of the State Board of Education prior to the effective date of  
876 this Act shall remain in full force and effect until otherwise modified in accordance with Delaware law;  
877 provided, however, that if any rule or regulation heretofore adopted conflicts with any of the provisions of  
878 this Act, the language contained in this Act shall prevail over that contained in a rule or regulation.

879           Section 61. The Professional Standards Board established under this Act shall sunset on March  
880 30, 2003, unless affirmatively reestablished by law on or before that date.

881           Section 62. Amend §153(d), Title 14 of the Delaware Code by inserting as a new §153(d)(7) the  
882 following:

883                   "(7) Notwithstanding any provision, regulation, or law to the contrary, the provisions of  
884 §153(d) shall take effect based on the year 2002 State assessments administered pursuant to  
885 §151(b) of this title. Until such time, a local school district may make student placement  
886 decisions and/or remedial activity decisions based on student performance on the 2000 and 2001  
887 State assessments."

888           Section 63. All compensation matters in this Act are subject to an annual appropriation by the  
889 General Assembly.

890           Section 64. If any provision of this Act or the application thereof to any person or circumstance  
891 is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be  
892 given effect without the invalid provision or application, and to that end the provisions of this Act are  
893 declared to be severable.

#### SYNOPSIS

Recognizing that effective educators are critical to students' success, the Professional Development and Educator Accountability Act of 2000 establishes a system of licensure, certification, evaluation and professional development that seeks to improve the quality of classroom instruction for Delaware's children.

This Bill also phases in the State Student Testing Program's impact on graduation and promotion to allow two additional years to adequately address outstanding issues regarding student accountability. Also, this Bill adjusts the approach to Student Accountability for special education students, as well as offers alternatives to mandatory summer school. It also institutes a parental accountability component and sets up a two-level State diploma system.

To guarantee that those entrusted with the achievement of our students have a voice in the development of policies that affect their profession, the Bill establishes a Professional Standards Board which will propose rules and regulations in the areas of pre-service training, licensure, certification, recruitment, evaluation, and professional development. The Standards Board will be comprised of eight teachers, three administrators, two parents, one local

board member and one representative from higher education -- each of whom shall be appointed by the Governor for three-year terms, and be subject to confirmation by the Senate. The membership of the Board will be equally represented, to the highest degree practical, from the three Counties. The teachers on the Board are to be selected by the Governor from a list supplied by DSEA, provided the teachers have achieved honors in their field. The Standards Board members will be paid \$600 annually, or \$150 per meeting, whichever is greater.

The State Board shall hear and consider the Standards Board's proposals and such proposals shall have the force of law when approved by the State Board of Education. The Standard Board will Sunset on March 30, 2003 absent affirmative action by the General Assembly to the contrary.

The Standards Board is subject fully to the Administrative Procedures Act. All rules and regulations proposed by the Board are subject to State Board of Education approval. Case decisions will be handled as with other boards, and agencies subject to the APA.

The Bill requires that the executive director of the Standards Board has at least 10 years experience as a professional educator in a public school system, and has been a resident of Delaware for at least one year. A majority of the Standards Board members constitutes a quorum, and no action can be taken by the Board without the vote of a majority of all members plus one additional vote.

The Bill also revises the licensure and certification system for Delaware educators in order to more clearly reflect the importance of professional development. The new three-tiered system will provide an Initial License for new educators, a Continuing License for experienced educators and an Advanced License for distinguished educators. Applicants for an Initial License will be required to have a college degree and pass basic skills and content level tests prior to teaching in Delaware. An Initial License is valid for three years and will lead to a Continuing License -- based on participation in mentoring and professional development activities, provided the applicant receives two out of three satisfactory annual evaluations. The Continuing License is valid for five years. Renewal of a Continuing License will require the completion of 90 hours of professional development -- more may be required by an individual's local improvement plan. An Advanced License is valid for 10 years and will be granted to National Board Certified educators.

The Delaware Performance Appraisal System (DPAS) is currently used statewide to evaluate educators. To more closely align that evaluation with the Delaware Teacher and Administrator Standards recently approved by the State Board of Education, this Act calls upon the Professional Standards Board to develop a new educator evaluation system (DPAS II) to present to the State Board for approval by July 1, 2000.

Recognizing that an effective educator is the most significant factor in student achievement, the Bill requires that the revised evaluation include a measure of student improvement. The measure of student improvement shall be based on multiple components, one of which shall be an annual assessment, if available, and shall take into consideration student absences, mobility, compliance with school rules and chronic failure by parents to abide by the Parents' Declaration of Responsibilities. Annual student assessments in reading, writing and math will be made available to districts in the spring of 2001. Local school districts shall have the flexibility to develop and implement local assessments.

Further, local school districts are enabled to institute individual district educator performance appraisal plans. The Secretary of Education must approve such plans if they comply with the requirement of this Act. The individual district plans supersede state requirements which would interfere with such plans.

The Professional Standards Board -- with State Board approval -- will design a rating index to designate an overall annual performance rating and will determine the level of performance that is satisfactory. If an educator's overall annual DPAS II evaluation is unsatisfactory, the district shall develop and assign an improvement plan which identifies deficiencies and professional development opportunities to remedy those deficiencies. A district shall also make recommendations for improvement if an educator's performance on an individual component of the evaluation is unsatisfactory. The Professional Standards Board -- with State Board approval -- shall define a pattern of ineffective teaching as it relates to performance on the DPAS II. Upon full implementation of DPAS II in School Year 2003, a pattern of ineffective teaching may become the basis for dismissal. Applicants to Delaware public schools will be required to disclose their three most recent annual evaluations.

To ensure that the Delaware Performance Appraisal System II is administered in a fair and equitable way statewide, the Standards Board will develop criteria -- to be approved by the State Board -- for the training and credentialing of evaluators. DPAS II will be field tested in school year 2000 – 2001 and shall be implemented statewide in school year 2001 – 2002. The Department of Education will be responsible for on going training and monitoring of evaluators.

This Act implements a new salary schedule for educators (including teachers, nurses, principals, superintendents, other administrative and supervisory employees and the Delaware Technical and Community College) on the 1305-pay schedule. This new schedule includes salary increases for both beginning and experienced educators. In addition, experienced educators will also have the opportunity to enhance their salary by acquiring certain skills and knowledge or by accepting additional academic responsibilities. This legislation also increases compensation through the addition of one professional development day in FY 2001, and two more such days in each of FY 2002 and FY 2003.

This Act substantially increases the monetary award contained within the school-based performance award section of the student and school accountability section of the Delaware Code enacted last year and makes it clear that salary bonuses are an acceptable usage of these funds.

This Act also establishes a two-tiered State high school diploma system, consisting of Academic Diplomas and Standard Diplomas. Effective first for students graduating in 2004, the Department of Education will award Academic Diplomas to students who pass all required courses, and achieve a sufficiently high score in the State assessments as defined by the Department of Education. Students not achieving the required level of performance on the State assessments, but who complete all course requirements, will receive a Standard Diploma. Finally the system provides for a Certificate of Performance for special education students who have completed the requirements of their IEP, but have not completed high school graduation course requirements, or performed sufficiently on the State assessments.

Further, this Bill provides that local school districts, through IEP Teams or 504 Teams, have the ability to determine which students take alternate assessments to the statewide assessments. Special education students who are unable to take the state wide assessments with appropriate accommodations, may be given these alternative tests which are developed by the local districts. It will be the students IEP team or 504 Team which ultimately decides the testing plan for each special education student falling within such programs. However, each student must be given the opportunity to take the Statewide assessments if they so choose.

The Bill also changes the current approach to promotion and matriculation. It maintains the state assessment system, but provides that the parent or guardian of a student not meeting the standards has a choice. The local district can develop an individual improvement plan for a student to help the student to achieve grade level proficiency, and the parent or guardian of the child will be presented with the plan. If the district and the parent agree to the plan, the student will not be retained but will take the previous grade's assessment again the following year after completing the individual improvement plan over the course of that year. If the student does not meet the standards at that point, he or she will be retained. Also, if the parents do not agree to the District initiated improvement plan, there will be mandatory summer school and retention for that student if the student does not perform adequately on the state assessment administered after the completion of summer school.

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