

CHAPTER 83
FORMERLY
SENATE BILL NO. 103

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND CAREER TECHNICAL EDUCATION.

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

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

§ 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 (5), (6), and (7) of this subsection;

(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), 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.

Section 2. Amend Chapter 33, Title 14 of the Delaware Code, by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 3308. Acceptance of federal vocational education acts.

The State accepts the benefits of the ~~Smith-Hughes Vocational Education Act, approved February 23, 1917 [repealed], and amendments~~ federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), and any subsequent reauthorization thereof, and subject to its requirements and any implementing regulations thereto. ~~In accepting such benefits, the State will observe and comply with the requirements of such act and amendments thereto.~~ The State Treasurer shall be the custodian of any funds accruing to the State from the aforesaid act and shall make disbursements therefrom upon the order of the Department of ~~Labor~~ Education.

§ 3310. Duties of State ~~Department~~ Board of Education in the area of vocational-technical education (career and technical education).

~~The Department of Education shall:~~

~~(1) Be responsible for the preparation of a state plan for vocational education and the execution of its provisions;~~

~~(2) Be responsible for the disbursement of vocational funds received from the United States Government and the State; the vocational funds to be disbursed to the school districts and to the State Treasurer as determined by the Department of Education;~~

~~(3) Appoint and provide for the compensation of all personnel necessary to administer this program;~~

~~(4) Prescribe the minimum amounts necessary to be allocated by the various school districts for vocational education programs in order to comply with the standards set forth in the state plan for vocational education;~~

~~(5) Report annually on the administration of this program as a part of the annual report of the Department.~~

The State Board of Education 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), 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.

Section 3. Amend Chapter 86, Title 14 of the Delaware Code, by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 8604. Acceptance of and compliance with federal and state legislation and regulations.

~~(a) The State accepts the benefits of the Vocational Education Act of 1963 (Public Law 88 210) and any amendments and subsequent legislation related thereto, including Title 20, Chapter 44, of the United States Code.~~

~~(b) In accepting such benefits, the State will observe and comply with the requirements of such acts and any amendments and regulations related thereto.~~

~~(c) (a) The Delaware Advisory Council on Career and Technical Education shall comply with the provisions of the federal Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), and any subsequent reauthorization thereof, and subject to its requirements and any implementing regulations thereto, and any state laws or regulations related to career and technical education . As used in this title, career and technical education shall have the same meaning as vocational-technical education. Vocational Education Act of 1963 (Public Law 88 210); Title 20, Chapter 44, of the United States Code; § 1706 of this title and subsequent acts, amendments and regulations related thereto.~~

~~(d) (b) The State Treasurer shall be the fiscal agent for the Delaware Advisory Council on Career and Technical Education and shall make disbursements upon the order of the Council to carry out its functions.~~

§ 8605. Member reimbursement.

Members shall serve without pay and may be reimbursed for travel in connection with their responsibilities.

§ 8606. Staff.

The Council is authorized to obtain the services of such professional, technical and clerical personnel and to contract for such services as may be necessary to enable it to carry out the duties and responsibilities of this chapter.

Approved July 01, 2013