

CHAPTER 251
FORMERLY
SENATE BILL NO. 20
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DEPARTMENT OF CORRECTION EDUCATIONAL SERVICES.

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

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

Chapter 24. Prison Educational Unit.

§2400. Purpose.

The Secretary of Education will maintain a Prison Education Program which will provide educational services for the Department of Correction.

§2401. Staffing

Staffing for Prison Education Program shall be delineated each year in the Annual Appropriations Act. The qualification of employees for the Prison Education Program shall be the same as the qualification for public education employees pursuant to 14 Del. C. §122 (c).

§2402. Qualifications.

The qualifications of employees for the prison education program, except secretaries, shall be the same as those qualifications for employees in public high schools. Teachers/supervisors shall have teaching responsibilities as defined by job responsibilities and duties developed by the Department of Education.

§2403. Job Duties.

Teachers/supervisors shall have teaching responsibilities as defined by job responsibilities and duties developed by the Department of Education.

§2404. Salary.

Salary for employees in the Prison Education Program when paid from funds of this State shall be in accordance with regularly adopted salary schedules set forth in 14 Del. C. Chp. 13. The salary so computed shall be divided by 0.7 for 10 months employment. If employed on an 11 or 12 month basis, the 10 month amount shall be multiplied by 1.1 or 1.2 respectively. In addition to the above calculation, teachers and administrators qualifying for professional development clusters in accordance with 14 Del. C. §1305(1) shall receive an additional amount equal to the approved cluster percentage multiplied by the base salary amount defined in 14 Del. C § 1305(b). This calculation shall not be increased for 11 or 12 month employment. The percentage shall only be applied to the base 10 month salary for 10, 11, 12 month employees. In accordance with 14 Del. C. §1305(p) the cluster percentage is capped at 15 percent.

Employees whose primary job location is onsite within the institution shall also receive hazardous duty supplements as provided in the Merit System as defined in 29 Del. C. Ch. 59. Teachers/supervisors shall receive an administrative supplement of 4 to 8 percent to be determined by the Department of Education with the approval of the Co-Chairs of the Joint Finance Committee.

Students served under this program shall not be included in the calculation for unit count purposes as defined in Title 14 Del. Code Ann. Chapter 17. The Director of the Office of Management and Budget and Controller General may transfer funds between lines and departments to pay for this program.

In the event the Director of the Office of Management and Budget proposes or implements a position attrition or complement reduction initiative, the Director shall clearly indicate to the Co-Chairs of the Joint Finance Committee when positions outlined in the joint agency Prison Education Program are included in said initiative(s).

§2405. Department of Correction Training Program.

Persons hired for the Prison Educational unit shall complete a Department of Correction Training Program before working within correctional facilities.

§2406. Security Classification.

Prison Educational Personnel are required to maintain their security classification with the Department of Correction. Loss of security classification shall cause immediate suspension of access to correctional facilities.

§2407. Renewal of Training.

Prison Educational Personnel are required to attend correctional security refresher training a minimum of every three years. Training shall be developed and provided by Department of Correction's Staff Training Personnel.

§2408. Governor's Advisory Council's Review.

The Governor's Advisory Council for Exceptional Citizens (GACEC), in its advisory capacity as authorized by 14 Del. C. §3111 shall meet annually with Department of Education and Department of Correction designated representatives to discuss the operation of the joint agency prison education program. No more frequently than every other year, the GACEC may conduct a site visit, which may include interviews and access to public records pursuant to its advisory authority under 14 Del Code §3111. Prior to commencing the review, the GACEC, Department of Correction and Department of Education shall agree upon the scope and purpose of the review. Any site visit, interviews, and public record reviews shall be coordinated by a representative(s) of the joint agency prison education program and shall be conducted in a manner consistent with any common law privileges, applicable federal and state laws, and security procedures and considerations. The GACEC will include findings related to site visits and program review and assessment in its annual report.

§2409. Assignment of Duties.

Excluding the Education Associate to operate the Prison Educational program and one secretary, all other employees shall be assigned and perform their duties within the grounds of a correctional facility.

§2410. Hiring of Prison Employees

(a) The Department of Correction shall provide a minimum of one member to the employee application review committee and one member to the interview committee for the selection of new employees.

(b) The Department of Education shall provide names of all selected new employees to the Department of Correction a minimum of 15 working days before the starting date of a scheduled Department of Correction Training Program set forth in § 2402 of this chapter. The Department of Correction shall provide the date of any Department of Correction Training Program (CEIT) in sufficient time to allow for the selection of new employees prior to the upcoming training.

(c) Prior to an official employment offer, all candidates for employment under this program shall successfully pass a background clearance to be performed by the Department of Correction.

§2411. Trained Correctional Officers.

Persons who have completed the Correctional Officer Training and worked within the Correctional Officer Series for a minimum of six consecutive years and are currently working within the Series, have satisfied the requirements of §2405 and are exempt from retaking this training.

Approved June 12, 2014