

CHAPTER 7
FORMERLY
SENATE BILL NO. 16
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC EDUCATION.

WHEREAS, over 60% of the new teachers hired in Delaware's 19 school districts last year were hired in August or later; and

WHEREAS, the late hiring of teachers in Delaware places the state at a disadvantage when competing with other states for the best new teachers in the region; and

WHEREAS, the late hiring of new teachers is also disruptive to schools and prevents new teachers from receiving proper training and orientation; and

WHEREAS, the State Senate created a Teacher Hiring Task Force last year to make recommendations on steps that the state could take to reduce the number of new teachers hired in the late summer and fall; and

WHEREAS, the Task Force included representatives of the Delaware Department of Education, teachers, school district administrators, school board members, parents and the Office of Management and Budget and Controller General; and

WHEREAS, the Task Force made a number of unanimous recommendations regarding steps that the state could take to reduce the number of new teachers hired in the late summer and fall; and

WHEREAS, the Task Force members involved in the hiring of teachers believe that enactment of these steps will increase the percentage of teachers to whom job offers are made in the spring and early summer;

NOW THEREFORE:

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

Section 1. Amend Title 14, Section 1702 of the Delaware Code by deleting subsection (b) and replacing it with the following:

“(b) The Department of Education shall in its annual budget request recommend an aggregate amount to be appropriated to the state's school districts for the purpose of educational advancement on a unit basis. The Department's annual budget request shall include funds adequate to comply with its obligation under Section 1704(2) of this Title.”

Section 2. Amend Title 14, Section 1704 of the Delaware Code by deleting the first sentence and subsections (1) and (2) in their entirety and replacing them with the following:

“The number of units to be used in determining state financial support in each school district shall be calculated by the Department of Education each year in accordance with the procedures specified in this section.

(1) The number of units shall be calculated based upon the total enrollment of pupils in each school district as of the last school day of September. The total number of units by school district so determined shall be known as the “actual unit count.” The Department of Education shall annually (after September 30) certify and report the number of units as required in § 1710 of this title.

(2) Each calendar year, the state shall estimate the actual unit count for each school district that will be produced in September of the same calendar year. This estimate of the September unit count shall be completed no later than April 15 of each calendar year. The total number of units by school district so determined shall be known as the “estimated unit count.”

(3) With respect to Division 1 funding for teachers described in this Title that is based upon the actual unit count, Division 1 funding for teachers for each school district based upon the actual unit count derived in any calendar year shall not be less than 98% of the state financial support that would have been generated by use of that calendar year's estimated unit count.”

Section 3. Amend Title 14, Section 1704 of the Delaware Code by renumbering the original subsection (3) as subsection (4).

Section 4. Amend Title 14, Section 1719 of the Delaware Code by replacing the last sentence of that section with the following:

“The Department retains the authority to require reimbursement of unit-driven funds from districts to the state that are caused by a district’s inaccurate reporting of pupil enrollments.”

Section 5. Amend Title 14, Chapter 17 of the Delaware Code by adding a new Section 1725 that shall read as follows:

“§ 1725 Tracking of School District Use of Unit Funds

(a) All information received by the Department of Education, or any third party performing work for the Department of Education, relating to the dates on which new teachers are hired by individual school districts shall be posted on the Department of Education’s web site.

(b) The Department of Education shall conduct randomized audits to ensure that information provided by school districts relating to the hiring dates of new teachers is accurate and complete.

(c) Within 120 days of enactment of this Act, the Department of Education shall promulgate regulations necessary to ensure that hiring information collected and reported by school districts uses uniform terminology.

(d) By December 31, 2011, the Department of Education shall report to the General Assembly and Governor on the impact of the estimated unit count upon school districts’ performance in making earlier contract offers to prospective teachers. To the extent that the Department of Education determines that any districts have not taken proper advantage of the estimated unit count, the Department shall recommend additional steps that should be taken to properly incentivize those districts to make earlier contract offers.”

Section 6. Except as noted below, this Act shall take effect upon enactment. If Compliance with Section 1704(2) is not possible based upon the effective date of this Act, compliance shall occur within 30 days of signature by the Governor, unless signature does not occur before April 30, 2011 in which case the Act shall take effect on October 1, 2011.

Section 7. If this Act is not affirmatively reauthorized by the General Assembly by April 1, 2012, it shall expire and the language found in the Delaware Code prior to passage of this Act shall be reinstated.

Approved April 13, 2011