

CHAPTER 66
FORMERLY
HOUSE BILL NO. 90
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE NONRENEWAL OF CONTRACTS AND DISMISSAL OF DEPARTMENT OF EDUCATION EMPLOYEES.

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

Section 1. Amend § 121(a)(3) and (a)(4), Title 14 of the Delaware Code by deleting the words“; provided, however, that any person so notified will automatically be entitled to a 2-month extension of that person’s existing contract in order that the person may be afforded a total of 6 months’ notice” as they appear therein.

Section 2. Amend § 121(a)(4), Title 14 of the Delaware Code by deleting the last two sentences of same and substituting in lieu thereof the following:

“Any employee notified of the Secretary’s intention not to renew for reasons other than a reduction in force may request a formal hearing before a hearing officer appointed by the Director of the Office of Management and Budget within 15 calendar days from the date that notice of the Secretary’s intention not to renew is sent by certified mail. In the event that an employee requests a hearing in a timely manner, the Office of Management and Budget shall convene a hearing no earlier than 10 days nor later than 90 days after receipt of the request for a hearing, unless both parties agree to a different schedule. The employee shall have the opportunity to present information in the employee’s own defense and may have legal counsel at the hearing;”.

Section 3. Amend § 121(a)(5), Title 14 of the Delaware Code by deleting the last two sentences of same and substituting in lieu thereof the following:

“Any employee dismissed pursuant to this subsection may request a formal hearing before a hearing officer appointed by the Director of the Office of Management and Budget within 15 calendar days from the date that notice is sent by certified mail or the date of receipt of the written notification of dismissal from the Secretary if hand-delivered, whichever is applicable. In the event that an employee timely requests a hearing, the Office of Management and Budget shall convene a hearing no earlier than 10 days nor later than 90 days after receipt of the request for a hearing, unless both parties agree to a different schedule. The employee shall have the opportunity to present information in the employee’s own defense and may have legal counsel at the hearing;”.

Section 4. Amend § 121(a)(6), Title 14 of the Delaware Code by deleting the last two sentences of same and substituting in lieu thereof the following:

“Any employee dismissed pursuant to this subsection may request a formal hearing before a hearing officer appointed by the Director of the Office of Management and Budget within 15 calendar days from the date that notice is sent by certified mail or the date of receipt of the written notification of dismissal from the Secretary if hand-delivered, whichever is applicable. In the event that an employee timely requests a hearing, the Office of Management and Budget shall convene a hearing no earlier than 10 days nor later than 90 days after receipt of the request for a hearing, unless both parties agree to a different schedule. The employee shall have the opportunity to present information in the employee’s own defense and may have legal counsel at the hearing;”.

Section 5. This Act shall be effective with employment contracts issued on or after July 1, 2011.

Approved June 28, 2011