

CHAPTER 196
FORMERLY
SENATE BILL NO. 151

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING
TO AN ACADEMIC ACHIEVEMENT AWARD PROGRAM.

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

WHEREAS, the General Assembly wishes to encourage schools to help students to achieve, and also wishes to demonstrate the type of responsible and innovative approach to education that will elicit support from the United States Department of Education; and

WHEREAS, the State of Delaware will receive \$32,433,643 in federal funds this year from the American Recovery and Reinvestment Act as a one-time supplement to the state's funding under Title 1 (federal assistance for education of economically disadvantaged students); and

WHEREAS, the United States Department of Education has permitted states receiving Title 1 funding enhancements created by the American Recovery and Reinvestment Act to "reserve a portion of its Title I, Part A ARRA funds for a State Academic Achievement Awards program"; and

WHEREAS, Academic Achievement Awards programs are created by the federal Elementary and Secondary Education Act, and must be targeted at schools that (a) significantly close the achievement gap , or (b) exceed their adequate yearly progress (as defined by the State of Delaware) for two or more consecutive years; and

WHEREAS, the United States Department of Justice has emphasized that states creating such Academic Achievement Awards programs "must distribute not less than 75 percent of the amount reserved to schools in the highest quartile of schools in the State based on the percentage of students from low-income families"; and

WHEREAS, Title 1 funds awarded by the ARRA may be obligated through September 30, 2011;

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

Section 1. This Act shall be known as the "Delaware Academic Awards Achievement Pilot Program."

Section 2. Amend Title 14, Chapter 17 of the Delaware Code by adding a new Section 1724 that shall read as follows:

"Sec. 1724. Academic Achievement Awards Pilot Program.

(a) The purpose of this Section is implementation of an Academic Achievement Awards Pilot Program ("Awards Program") using federal Title 1 funds provided by the American Recovery and Reinvestment Act of 2009.

(b) No later than September 1, 2009, the Governor shall appoint a Grants Committee for the Awards Program. The committee shall consist of two representatives of the Governor, one representative chosen by the Governor from a list of names submitted by the Delaware State Education Association, one representative chosen by the Governor from a list of names submitted by the Delaware Association of School Administrators and one

representative chosen by the Governor from a list of names submitted by the Delaware State PTA.

(c) On July 1, 2010 the Grants Committee shall select five Delaware public schools to receive grants of \$150,000 each, to be funded by federal Title 1 monies received by the Delaware Department of Education as part of the American Recovery and Reinvestment Act. At least four of those schools shall be in the highest quartile of Delaware public schools with respect to the percentage of student population from low-income families, based upon standards created by the Grants Committee.

(d) Awards under subsection (c) shall be given to schools that have significantly closed the achievement gap and/or schools that have exceeded their adequate yearly progress for two or more consecutive years.

(e) Any school receiving an award under subsection (c) shall, within 30 days of receiving notice of its award, create a School Award Allocation Committee to determine the school's use of the grant funds. The committee shall consist of two persons appointed by the school's principal, a school-level teacher representative and a school level paraeducator as selected by the president of their respective bargaining units (or, if no such bargaining unit exists, a teacher and a paraeducator democratically elected by their peer groups), and two representatives chosen by the school's parent-teacher organization (or, if no such group exists, two parents at the school appointed by the Delaware State PTA). A plan for allocation of an award must be approved by at least four members of a school's School Award Allocation Committee.

(f) The School Award Allocation Committee must approve the use of the school's award funds by September 1, 2010. Funds can be used for any purpose that is consistent with state and federal law. Any funds not approved will be forfeited to the Delaware Department of Education and awarded to another school in 2011.

(g) The award process described in subsections (c) through (f) shall be repeated beginning on July 1, 2011, with the exception that (i) more than five schools may receive awards if any funds have been forfeited pursuant to subsection (f), (ii) awards larger than \$150,000 may be made if sufficient ARRA funds dedicated to this purpose exist; and (iii) any funds forfeited on September 2, 2011 shall be distributed in an expedited fashion pursuant to rules promulgated by the Delaware Department of Education, in order to comply with federal ARRA deadlines.

(h) Absent enactment of new legislation by the General Assembly, the Awards Program shall cease to exist on October 1, 2011.

(i) As used in this section, 'achievement gap' shall mean the gap in objectively measured academic performance between (i) economically disadvantaged students, students from racial minority groups, students with disabilities, and students with limited English proficiency, and (ii) all other students.

(j) As used in this section, 'adequate yearly progress' shall have the meaning assigned to it by Delaware Department of Education Regulation 103 or its successor."

Approved August 13, 2009