

CHAPTER 459
FORMERLY
SENATE BILL NO. 263
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO
TEACHER NOTICE AND HEARING PROTECTIONS.

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

Section 1: Amend § 1403(a), Title 14 of the Delaware Code, by adding the phrase “Except as set forth in subsection (b), the” in lieu of the word “The” at the beginning of that subsection, and by deleting the language after the word “teachers” through the end of the subsection and inserting in lieu thereof the following:

“(1) Who began teaching in a Delaware public school prior to the end of the 2009/2010 school year and have completed 3 years of service in the State, 2 years of which shall be in the employ of the terminating board; or

(2) Who began teaching in a Delaware public school after the conclusion of the 2009/2010 school year and have completed at least 3 years of service in the State, at least 2 of which are in the employ of the terminating board, provided that said teacher has received at least 2 years of “Satisfactory” ratings in the “Student Improvement” component of the teacher appraisal process (established pursuant to §1270 of this Title) within a three year period. The two “Satisfactory” ratings need not be consecutive and the requirement for “Satisfactory” ratings need only be satisfied once in order for the provisions of §§ 1411 through 1414 to apply.”

Section 2: Amend § 1403, Title 14 of the Delaware Code, by adding new subsections (b) and (c) to read as follows:

“(b) The provisions set forth in §§ 1411, 1412, 1413 and 1414 of this Title shall not apply to teachers employed temporarily to replace professional personnel on leave of absence or to teachers holding temporary certificates.

(c) Time spent in military service shall not be counted as years of service for purposes of this chapter.”

Section 2. Amend § 1410(a), Title 14 of the Delaware Code, by deleting the word “Such” at the beginning of the second sentence and inserting in lieu thereof, “For teachers identified pursuant to § 1403(a) (1) or (2), such”.

Section 3. Further Amend § 1410(a), Title 14 of the Delaware Code, by deleting the comma “,” after the word “absence” and inserting in lieu thereof the word “or” and by deleting all of the language after the word “certificates.”

Section 4. Amend § 1410(b), Title 14 of the Delaware Code, by deleting the language “A teacher who has not completed 3 years of service in the State and/or has not completed 2 years in the employ of the terminating board” and inserting in lieu thereof the phrase “Teachers other than those identified pursuant to § 1403(a) (1) or (2)”.

Section 5. Further Amend § 1410(b), Title 14 of the Delaware Code, by inserting the following sentence at the end of said subsection: “The provisions of this subsection shall not apply to teachers employed temporarily to replace professional personnel on leave of absence or to teachers holding temporary certificates.”

Approved July 30, 2010