



SPONSOR: Rep. Shupe & Rep. K. Williams & Sen. Pettyjohn  
Reps. Briggs King, K. Johnson; Sens. Lawson, Sokola

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 192

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PROFICIENCY ON STUDENT ASSESSMENTS.

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

1 Section 1. Amend Subchapter III, Chapter 1, Title 14 of the Delaware Code by making deletions as shown by  
2 strike through and insertions as shown by underline as follows:

3 § 156A. Schools with single-digit proficiency on student assessments improvement plans.

4 (a) For purposes of this section:

5 (1) “Applicable subject area” means the subject area in which the school has or had single-digit proficiency.

6 (2) “Department” means the Department of Education.

7 (3) “School” means any public school in this State that provides educational instruction in 1 or more grades  
8 from kindergarten through grade 12 and administers State assessments. “School” does not include special programs  
9 under § 203 of this title.

10 (4) “School board” means a board of education of a school district under Subchapter III of Chapter 10 of this  
11 title or a board of directors of a charter school under § 504 of this title.

12 (5) “Single-digit proficiency” means a less than 10% overall student body achievement proficiency level in  
13 English language arts or a less than 10% overall student body achievement proficiency level in mathematics, as  
14 measured on State assessments.

15 (6) “State assessments” means the assessments, required under § 151(b) and (c) of this title, which test student  
16 achievement in English language arts and mathematics.

17 (7) “Subject area” means English language arts or mathematics.

18 (8) “Superintendent” means the superintendent, school leader, or equivalent chief school officer of any school  
19 district or charter school.

20 (b)(1) Except for the reporting purposes in subsection (k) of this section, this section does not apply to any of the  
21 following:

22                   a. School with a plan for comprehensive support and improvement (CSI) or targeted support and  
23 improvement (TSI) under 20 U.S.C. § 6311.

24                   b. School participating in a locally established entity that requires the creation of a plan to improve school  
25 performance.

26                   c. School required to a create a plan to improve school performance under any other State or federal law.

27                   (2) If a school develops plans under this section and subsequently participates in the programs under  
28 paragraph (b)(1) of this section, then the requirements under this section will be considered to have been met.

29                   (3) The requirements under this section apply to a school if the school no longer participates in the programs  
30 under paragraph (b)(1) of this section.

31                   (c) For the purposes of this section, single-digit proficiency is based on the most recent State assessment data  
32 reported under § 124A of this title.

33                   (d) A superintendent who oversees a school with single-digit proficiency shall collaborate with the Department  
34 and the school's building-level administration to create a short-term plan to raise performance above single-digit  
35 proficiency.

36                   (e) In addition to the short-term plan required under subsection (d) of this section, the superintendent shall  
37 collaborate with the Department and the school's building-level administration to create a long-term plan for how to further  
38 improve performance on State assessments and increase the school's overall student body achievement proficiency level in  
39 the applicable subject area. This subsection does not discourage or prevent the creation of a long-term plan to improve  
40 performance in all subject areas.

41                   (f) By May 1, each superintendent who oversees a school with single-digit proficiency shall present the short-term  
42 and the long-term plan at a school board meeting for approval by the school board.

43                   (g)(1) Except as otherwise provided in subsection (b) of this section or paragraphs (g)(2) and (g)(3) of this section,  
44 the superintendent shall present to the school board, at a minimum, annual updates about the status of the short-term plan  
45 and the long-term plan, including any proposed changes to the plans and information about the implementation of the plans.  
46 The school board shall vote whether to approve any changes to a plan.

47                   (2) The superintendent is no longer required to provide updates on the short-term plan once the school no  
48 longer has single-digit proficiency.

49                   (3) The superintendent is no longer required to provide updates on the long-term plan once the school has an  
50 overall student body achievement proficiency level of 20% or more in the applicable subject area, as measured on State  
51 assessments.

52 (h)(1) By May 1, a school's short-term plan and long-term plan must be available on the school's website or  
53 webpage and the Department's website. If a school's plan is subsequently changed, the revised plan must be available on  
54 the school's website or webpage and the Department's website. The superintendent shall ensure the Department receives  
55 any revised plan within 14 days after a change is approved by the school board.

56 (2) The short-term plan may be removed from websites and webpages once the school no longer has single-  
57 digit proficiency.

58 (3) The long-term plan may be removed from websites and webpages once the school has an overall student  
59 body achievement proficiency level of 20% or more in the applicable subject area, as measured on State assessments.

60 (i) If a superintendent was no longer required to provide updates on a school's short-term or long-term plan under  
61 paragraphs (g)(2) or (g)(3) of this section, but the school subsequently returns to having single-digit proficiency or an  
62 overall student body achievement proficiency level of less than 20% in the applicable subject area, as measured on State  
63 assessments, then the superintendent, the school's building-level administration, and the Department shall collaborate to  
64 revise the short-term or long-term plan, and subsections (g) and (h) of this section apply to this subsection.

65 (j)(1) A school is not required to make multiple short-term plans and multiple long-term plans. If a school is  
66 required to create a plan due to single-digit proficiency in one subject area but subsequently has single-digit proficiency in  
67 the other subject area, then the superintendent, the school's building-level administration, and Department shall collaborate  
68 to revise the short-term plan and long-term plan to incorporate strategies to do all of the following:

69 a. Raise performance in both subject areas above single-digit proficiency.

70 b. Further improve performance on State assessments.

71 c. Increase the school's overall student body achievement proficiency level in both subject areas.

72 (2) Subsections (g) and (h) of this section apply to this subsection.

73 (k)(1) The Department shall create an annual written report that contains all of the following:

74 a. The name of every school with single-digit proficiency, including a school with an improvement plan  
75 under this section or a school participating in a program described under paragraph (b)(1) of this section.

76 b. In which improvement plan or program each school under paragraph (k)(1)a. of this section is  
77 participating.

78 c. The overall student body achievement proficiency level in the applicable subject area of each school  
79 under paragraph (k)(1)a. of this section.

80 d. The name of every school with an overall student body achievement proficiency level of less than 20%  
81 but greater than single-digit proficiency in a subject area, as measured on State assessments.

82 e. Whether each school under paragraph (k)(1)d. of this section is participating in an improvement plan  
83 under this section or a program under paragraph (b)(1) of this section, and if so, in which plan or program they are  
84 participating.

85 f. The overall student body achievement proficiency level of each school under paragraph (k)(1)d. of this  
86 section in the subject area that the school's overall student body achievement proficiency level is less than 20%  
87 but greater than single-digit proficiency.

88 (2) The annual report must include data from the past 5 school years, including the data from the current  
89 reporting year.

90 (3)a. The Department shall submit the annual report to all of the following:

- 91 1. The Secretary of the Senate, for distribution to all members of the Senate.
- 92 2. The Chief Clerk of the House, for distribution to all members of the House.
- 93 3. The Director and Legislative Librarian of the Division of Research.
- 94 4. The Controller General.
- 95 5. The Secretary of the Department of Education.
- 96 6. The State Board of Education.

97 b. The Secretary of the Senate and the Chief Clerk of the House shall distribute the annual report to the  
98 chairs of all of the following legislative committees:

- 99 1. Joint Finance Committee.
- 100 2. Senate Education.
- 101 3. House Education.

102 (4) The Department shall submit its report by August 1 of each year, except that the first report is due [the first  
103 September 1 after enactment]. If the deadline falls on a weekend or State holiday, then the report is due by the State of  
104 Delaware's next following business day.

105 Section 2. This Act is effective immediately and shall be implemented beginning the first August 1 after enactment  
106 of this Act.

#### SYNOPSIS

This Act requires that the superintendent, school leader, or equivalent chief school officer who oversees a school or a charter school where students have single-digit proficiency in English language arts or mathematics, or both, collaborate with the Department of Education and school building-level administration to create a short-term plan to raise performance so that the school no longer has single-digit proficiency. This Act also requires the creation of a long-term plan for how to further improve student performance on State assessments and increase the school's overall student body achievement proficiency level.

This Act does not apply to a school with a plan for comprehensive support and improvement (CSI) or targeted support and improvement (TSI) under 20 U.S.C. § 6311, a school participating in a locally established entity that requires

the creation of a plan to improve school performance, or a school required to create a plan to improve school performance under any other State or federal law.

Single-digit proficiency is based on the most recent State assessment data reported under § 124A of Title 14. Under this Act, a superintendent, school leader, or equivalent chief school officer must present the short-term plan and the long-term plan at a school board meeting for approval by the school board. Additionally, the superintendent, school leader, or equivalent chief school officer must provide annual updates, including any proposed changes to the plans as well as information about implementation of the plans. Any changes to the plans must be approved by the school board. The plans must be displayed on the school's website or webpage and the Department's website. The short-term plan and the long-term plan must be presented at a school board meeting and displayed on the school's website or webpage by May 1. The superintendent may stop providing updates about the plans once certain State assessment performance conditions are met. If a school subsequently ceases to meet performance conditions, then the plan must be revised to incorporate strategies to improve performance.

This Act also requires the Department to submit an annual report that contains information on schools with single-digit proficiency and schools with an overall student body achievement proficiency level of less than 20% but greater than single-digit proficiency in English language arts or mathematics, including data from prior years.

This Act is effective immediately and shall be implemented the first August 1 after enactment of this Act.