SPONSOR: Sen. Townsend & Sen. Sturgeon & Rep. K. Williams & Rep. S. Moore & Rep. Bush
Sens. Bonini, Brown, Ennis, Gay, Hansen, Hocker, Lawson, Lockman, Lopez, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Poore, Richardson, Sokola, Walsh, Wilson; Reps. Baumbach, Bolden, Freel, Griffith, Heffernan, Longhurst, Matthews, Mitchell, Morrison, Osienski, Ramone, Michael Smith

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 100
AS AMENDED BY
SENATE AMENDMENT NO. 1

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

WHEREAS, educators are responsible for teaching students and contributing to their learning development; and

WHEREAS, according to the Economic Policy Institute, K-12 education ranked second to the leisure and hospitality industry in job losses during the pandemic, amounting to a 4.7% drop in employment nationally as of December 2021; and

WHEREAS the pandemic having come on the heels of the Great Recession, the Economic Policy Institute reported that as of December 2021, K–12 public education employment is down 432,000 or 5.3% from September 2008; and

WHEREAS, the Economic Policy Institute has recorded a 20.3% loss in educational staffing in Delaware from 2008 to 2021 and specifically a 1.9% loss in educational staffing from 2019-2021; and

WHEREAS, according to Join Delaware Schools, as of May 2, 2022, there are 637 vacant educational staffing positions statewide; and

WHEREAS, according to the National Education Association's Rankings of the States in 2020-2021, the Delaware average salary for instructional staff and teachers ranks 16th in the country; and

WHEREAS, according to the National Education Association's Rankings of the States in 2020-2021, Delaware teacher pay when adjusted for inflation from 2019 to 2021 decreased by over 2.9%; and

WHEREAS, according to the National Education Association's Rankings of the States in 2020-2021, the Maryland average salary for instructional staff ranks 8th in the country and 9th for teachers; and

WHEREAS, according to the National Education Association's Rankings of the States in 2020-2021, the Pennsylvania average salary for instructional staff ranks 12th and 11th for teachers; and

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WHEREAS, according to the National Education Association's Rankings of the States in 2020-2021, the New Jersey average salary for instructional staff ranks 4th and 7th for teachers; and

WHEREAS most teachers and specialists hold a master's degree or higher; and

WHEREAS, according to the Delaware Department of Education, in 2020-2021 the average student debt amongst educators who qualified for Delaware's High Needs Student Loan Repayment Program was $52,406.42; and

WHEREAS the Economic Policy Institute reports public school teachers are paid 19.2% less than similar workers in other occupations; and

WHEREAS, nationally, 41% held more than one job in 2019. More than a quarter (27%) held two jobs, about 10% held three jobs, and 5% held four or more jobs. Among teachers with two or more jobs, well over half (62%) worked on weekdays during the academic year, after classes ended for the day; and

WHEREAS, according to a national report on hiring and retaining teachers conducted by Emma García and Elaine Weiss, teachers who quit the profession were more likely to have earned more pay outside of the school system than those who remained in teaching; the report further found that when teachers must explore outside options to supplement low teaching pay, they may find something they would rather pursue full time; and

WHEREAS the Economic Policy Institute's research identifies three primary factors driving the teacher shortage: (1) challenging work environments or "school climates"; (2) inadequate or uneven professional supports for teachers; and (3) low pay relative to peers in other professions with similar credentials and experience; and

WHEREAS, according to Delaware educators who are dual certified in special education and general education, they can no longer manage the paperwork and other regulatory requirements of being both the teacher of record and a special education case manager, especially without additional pay or support; and

WHEREAS, the National Education Association has reported that massive staff shortages in America's public schools are leaving educators increasingly burned out, with an alarming 55% of educators now indicating that they are ready to leave the profession they love earlier than planned.

NOW, THEREFORE:

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

Section 1. Amend Chapter 13, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1337. Public Education Compensation Committee.

(a) The Public Education Compensation Committee (hereinafter "Committee") is hereby convened to review Delaware's educator compensation structure and its ability to compete with regional school districts, Delaware's private

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business sector, and other governmental agencies, in recruiting and retaining qualified and diverse educators, and to develop recommendations to establish a new compensation structure for educators in Delaware, including the following:

(1) Make recommendations that strengthen Delaware's ability to compete with regional school districts in recruiting and retaining qualified and diverse educators.

(2) Make recommendations for competitive base pay for educators at all steps in the compensation structure.

(3) Make recommendations for achieving competitive career level earnings in fewer, more meaningful steps.

(4) Specify how educators can achieve additional opportunities for career advancement, which must be based in part on years of experience but must otherwise be based on acquisition of relevant degrees, certifications, and competencies, the acceptance of leadership responsibilities, and must fairly compensate for additional professional responsibilities.

(5) Make recommendations that include approaches to the acquisition of skills and knowledge that are timely, relevant, and affordable. Recommendations shall include access to additional compensation that may vary depending on the degree, certification, or competency achieved. The Committee must also consider how additional compensation under this section will be approved and administered.

(6) Provide recommendations on the creation of leadership roles through which educators will receive additional compensation for assuming leadership responsibilities. Recommendations should also allow school districts flexibility to determine the number and type of leadership roles. The Committee should consider positions that: (1) have meaningful adult leadership responsibilities in the areas of curriculum, casework, instruction, student support, family and community engagement, and professional development; (2) maintain a meaningful connection to student learning; and (3) are supported by classroom or office coverage during times when the educator is away from the classroom or students. Recommendations should include language indicating educators serving in leadership roles shall not be assigned additional responsibilities that are not substantially related to their leadership roles and classroom or professional obligations.

(7) Make recommendations for a process that provides additional compensation for professional responsibilities that are not generally required in the classroom, including special education casework. The Committee shall discuss and make recommendations regarding the types of responsibilities that could qualify for additional compensation. The Committee must also consider how additional compensation under this section will be approved and administered.

(8) Make recommendations regarding the applicability of the new system, which would apply to all educators as defined by Chapter 1202(6) of this title or person paid under §§ 1305, 1306, 1307, 1310 and 1321 of this title. The Committee should provide a timeline and mechanism for transition and implementation.

(9) Review and provide recommendations to increase base levels of pay for education support staff as defined by §§ 1308, 1311, 1322, and 1324 of this title that shall be competitive with other districts in the region.

(10) Identify and consider adopting state pay scales for job categories where one does not exist, including bus drivers and information technology employees.

(b) The Committee shall present its recommendations, including a fiscal note and implementing legislation, to the Governor no later than November 15, 2023, so that its recommendations may be considered for inclusion in the Governor's recommended budget for fiscal year 2025 to be presented to the General Assembly in January 2024.

(c) The Committee shall consist of the following members: the Secretary of Education; the Controller General; the Director of the Office of Management and Budget; the President of the Delaware State Education Association; the Executive Director of the Delaware Association of School Administrators; an educator appointed by the Senate President Pro Tempore; two school financial officers appointed by the Governor; one school superintendent appointed by the Governor; a charter school administrator appointed by the Speaker of the House; a representative of the Office of the Governor; the Chair of the House Education Committee; the Chair of the Senate Education Committee; one member from the House minority caucus appointed by the Speaker of the House of Representatives; and one member from the Senate minority caucus appointed by the President Pro Tempore of the Senate. The Committee will elect a chair from amongst the membership.

(d) The Committee shall seek input from others including educators, parents, school administrators, local school boards, and higher education representatives. The Committee shall hold public meetings in person or virtually to specifically gather input from educators.

(e) The Department of Education shall provide staff assistance to the Committee and shall convene the first meeting no later than August 1, 2022.

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