SPONSOR: Rep. K. Williams & Sen. Sturgeon
Reps. Bush, Gorman, Heffernan, K. Johnson, Ross Levin, Michael Smith, Chukwuocha; Sens. Cruce, Lockman, Mantzavinos, Walsh, Huxtable

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 97
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 14 AND 31 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF EDUCATION, PROFESSIONAL STANDARDS, AND SALARY SUPPLEMENTS.

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

Section 1. Amend Subchapter I, Chapter 12, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

Subchapter I. Professional Standards Board

§ 1201. Purpose.

The purpose of this chapter is to establish a system of professional development, professional standards, licensure, certification and evaluation that serves to continually improve the quality of instruction and support for Delaware's children so that they are equipped to work and succeed in an ever-changing and increasingly complex global economy. The General Assembly finds that a rigorous system of licensure, certification, permitting, professional development and evaluation designed to support improved student ~~achievement,~~ achievement and well-being, together with an expansion of the salary system to include compensation for skills and knowledge, will serve to improve the quality of the Delaware ~~educator~~ education workforce and to improve student performance. All educators must be licensed, ~~certified~~ certified, and evaluated ~~in accordance with~~ under this chapter. Paraprofessionals and other student support and classroom personnel must hold a permit according to this chapter or an approved professional license under Title 24. To develop this system and to ensure that its purposes are achieved, the General Assembly creates the Delaware Professional Standards Board to work in conjunction with the Department of Education and the State Board of Education toward the full implementation of this chapter.

§ 1202. Definitions.

The following definitions apply to this chapter:

(1) "Approved professional license issued under Title 24" means a professional license issued by any of the following Boards:

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a. Board of Occupational Therapy Practice.

b. Board of Mental Health and Chemical Dependency Professionals.

c. Board of Examiners of Psychologists.

d. Board of Social Work Examiners.

e. Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers, but excluding a hearing aid dispenser license.

f. Examining Board of Physical Therapists and Athletic Trainers.

(5) "Classroom aide" means a school employee who supports teachers by assisting students with activities and daily tasks. A classroom aide may work with individuals or small groups and provide additional assistance based on student needs. An individual with a diploma of alternate achievement standards may serve as a classroom aide.

(12) "Other student support personnel" means a person other than a paraprofessional who is hired or contracted by a district, charter school, or other state agency to support students with mental health services or behavior interventions in a school and may have direct, unsupervised contact with students, but who is not otherwise qualified to hold a license and a standard certificate issued under this chapter or an approved professional license issued under Title 24.

~~(10)~~ (13) "Paraprofessional" means a ~~public school employee covered by~~ person permitted by the State under this chapter to assist in classroom instruction, classroom management, student behavior, or functional skills activities, and is paid under § 1324 of this title.

(14) "Permit" means a credential that authorizes the holder to engage in student support and classroom services within a public school.

~~(11)~~ (15) "Secretary" means the Secretary of the Delaware Department of Education.

(16) "Specialist intern" means a person who is enrolled in an education preparation program in school counseling or school psychology, who is completing the internship required for certification. Specialist interns include individuals completing required supervised fieldwork in behavior analysis at a school. All specialist interns must adhere to any other regulations or requirements required by the specialist intern's applicable certificate.

(17) "Year-long resident" means a person who is enrolled in a year-long residency program under § 1281 of this title.

§1204. ~~[Reserved.]~~ License or permit requirement.

(a) No person may work in a public school unsupervised with students without a valid permit, a license issued under this chapter, or an approved professional license issued under Title 24.

(b) The following individuals are exempt from the requirements of subsection (a) of this section:

(1) Non-instructional administrators.

(2) Nutrition staff.

(3) Custodial staff.

(4) Transportation staff.

(5) Clerical staff.

(6) A charter school administrator exempt under § 507(c) of this title.

(7) A substitute teacher serving for less than 12 consecutive weeks in one school.

§ 1205. Professional Standards Board.

(a) Recognizing that well-prepared, effective ~~educators~~ educators, paraprofessionals, and other student support and classroom personnel are critical to our students' success and that those entrusted with the achievement of our students should have a voice in the development of policies that affect their profession, there is hereby established the Professional Standards Board. The intent of the General Assembly is that the Standards Board and the Department work in close coordination and collaboration to fully and effectively implement the purposes of this chapter. To this end, the Standards Board shall file reports on January 1, April 1, July 1, and October 1 of each calendar year with the General Assembly, the Governor, the State Board and the Department.

(b) The Standards Board shall develop rules and regulations relating to educators' professional development, licensure requirements, ~~certification requirements and paraprofessional qualifications and training.~~ and certification requirements. In addition, the Standards Board shall develop regulations relating to permit requirements for paraprofessionals and other student support and classroom personnel. The Department shall implement the rules and regulations promulgated and adopted pursuant to this chapter relating to licensure and certification of ~~educators~~ educators, permitting of paraprofessionals and other student support and classroom personnel, ~~and~~ certification of evaluators, and as otherwise directed by rules and regulations developed under this chapter.

Section 2. Amend Subchapter II, Chapter 12, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter II. Three-Tiered Licensure System

§ 1215. ~~Licensure of educators holding professional status certificates or other certificates.~~

~~The Department shall issue a continuing license to a person holding a Delaware certificate issued by an education certifying board prior to July 13, 1971, or upon the expiration of a professional status certificate or standard certificate issued by the Department. Upon application, the Department shall issue an advanced license to a person holding current~~

~~National Board for Professional Teaching Standards certification and a current Delaware certificate as of May 3, 2000.~~ [Repealed.]

§ 1216A. Issuance and renewal of permits.

(a) The Department shall issue a permit to an individual who meets all of the following requirements:

(1) The individual's role involves one of the following:

a. Paraprofessional.

b. Other student support personnel, including visiting teacher.

c. Substitute teacher hired as an employee of a school district or charter school.

d. Substitute teacher seeking certification.

e. Student teacher.

f. Year-long resident.

g. Specialist intern.

h. Classroom aide.

(2) The individual does not have a license issued under this chapter or an approved professional license issued under Title 24.

(3) The individual works at or seeks to be credentialed to work at a public school in Delaware and is in the school either part-time or full time.

(4) The individual has met education and training requirements for the permit as determined by the Department and the Standards Board.

(b) Permits are valid for up to 5 years unless revoked.

(c) Upon application, the Department shall renew a permit for an additional term if the permit holder has completed the specified renewal activities for that permit as required by the rules and regulations promulgated and adopted under this chapter. An intern permit may not be renewed but may be extended until the internship period is completed.

§ 1217. Denial of ~~licenses.~~ licenses and permits.

(a) Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may deny an applicant's application for a license or permit for failure to meet the qualifications for a ~~license.~~ license or permit. The Department may further deny a license or permit to an applicant who otherwise meets the requirements of this subchapter for any of the causes enumerated in § 1218(a) and (b) of this title.

(b) The Department shall not take action to deny a license or permit under this section without providing the applicant with written notice of the reasons for denial and with an opportunity for a full and fair hearing before the Standards Board.

(c) In any hearing before the Standards Board to challenge action taken under this section, the Standards Board shall have the power to administer ~~oaths, order the taking of depositions, issue subpoenas, and~~ oaths and issue subpoenas to compel ~~attendance~~ the testimony of witnesses and the production of books, accounts, papers, records, ~~documents, and testimony.~~ or documents.

(d) The burden of proof in a license or permit denial action is on the applicant to show by a preponderance of the evidence that the applicant should not be denied a license or permit because that applicant meets the qualifications for licensure or a permit pursuant to the applicable laws and regulations.

§ 1218. Limitation, suspension and revocation of ~~licenses~~. licenses, certificates, or permits.

(a) The Secretary may issue a public letter of reprimand, suspend, revoke, or limit a ~~license or certificate~~ license, certificate, or permit that has been issued to any person pursuant to this chapter, for any of the following causes:

(1) Obtaining or attempting to obtain a ~~license or certificate~~ license, certificate, or permit by fraudulent means or through misrepresentation of material ~~facts;~~ facts.

(2) Falsifying official school records, documents, statistics, or ~~reports;~~ reports.

(3) Knowingly violating any of the provisions of the state assessment system set forth in § 172 of this ~~title;~~ title.

(4) Pleading guilty or nolo contendere with respect to, or is convicted of, any crime against a child constituting a misdemeanor, except for unlawful sexual contact in the third degree [§ 767 of ~~Title 11];~~ Title 11].

(5) Pleading guilty or nolo contendere with respect to, or is convicted of, possession of a controlled substance or a counterfeit controlled substance classified as such in Schedule I, II, III, IV or V of Chapter 47 of Title ~~16;~~ 16.

(6) Immorality, incompetence, misconduct in office, wilful neglect of duty, disloyalty, or misconduct involving any cause for suspension or revocation of a ~~license~~ license, certificate, or permit provided for in this ~~section; or~~ section.

(7) [Repealed.]

(8) Having had a ~~license or certificate~~ license, certificate, or permit suspended, revoked, or voluntarily surrendered in another jurisdiction for cause which would be grounds for suspension or revocation under this section.

(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary shall revoke a ~~license or certificate~~ license, certificate, or permit if the ~~license~~ license, certificate, or permit holder does any of the following:

(1) Pleads guilty or nolo contendere with respect to, or is convicted of any of the following:

a. Any crime constituting the manufacture, delivery, possession with intent to manufacture or deliver a controlled substance or a counterfeit controlled substance classified as such in Schedule I, II, III, IV or V of Chapter 47 of Title 16.

b. Any crime constituting a violent felony as defined in § 4201(c) of Title 11.

c. Any crime against a child constituting a felony, or unlawful sexual contact in the third degree (§ 767 of Title 11).

d. Any crime constituting a felony sexual offense.

e. Any crime constituting a felony offense against public administration involving bribery, improper influence or abuse of office.

(2) Commits a sexual offense against a child.

(3) [Repealed.]

(c) The Secretary may automatically suspend any license or permit without a prior hearing if the license or permit holder is arrested or indicted by a grand jury for a violent felony as defined in § 4201(c) of Title 11 or for any crime against a child constituting a felony. A suspension under this subsection is effective on the date of the arrest or grand jury indictment.

(1) For a suspension under this subsection, the Secretary shall issue a written temporary order of suspension to the license or permit holder at that license or permit holder's last known address.

(2) The chief school officer or head of school, on behalf of the local board of education or charter school board of directors, shall report to the Secretary the name and last known address of any license or permit holder employed by the district or charter school who it knows to have been arrested or indicted by a grand jury for a violent felony as defined in § 4201(c) of Title 11 or for any crime against a child constituting a felony.

(3) A license or permit holder whose license or permit has been suspended pursuant to this subsection may request an expedited hearing before the Standards Board within 20 calendar days from the date the notice of the Secretary's decision to temporarily suspend the license or permit holder's license was mailed. In the event that the license or permit holder requests an expedited hearing in a timely manner, the Standards Board shall convene a hearing within 90 days of the receipt of such a request.

(4) If the license or permit holder pleads guilty or nolo contendere with respect to, or is convicted of, a violent felony as defined in § 4201(c) of Title 11 or any crime against a child constituting a felony, the Secretary shall proceed with revocation under subsection (b) of this section.

(5) If the license or permit holder is found not guilty of the underlying criminal charges, a nolle prosequi is entered on the record by the State, or the charges are otherwise dismissed by the court, the license or permit holder may file a written request for license or permit reinstatement, including documentation of the final status of the judicial proceeding, and their license or permit shall be ~~reinstated~~ reinstated. If the license or permit expired during the period of suspension, the holder of the former license or permit may reapply for the same tier license or permit that was suspended, but shall meet the license or permit requirements that are in effect at the time of ~~the~~ application for ~~license.~~ the license or permit.

(6) An order of suspension under this subsection shall remain in effect until the final order of the Secretary or the Standards Board becomes effective.

(d) The Secretary may take an action under subsection (a), (b), or (c) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any ~~license.~~ license or permit.

(e) Any license or permit holder who has pled guilty or nolo contendere to, or has been convicted of, a crime in a court of law which would constitute grounds for revocation, ~~suspension~~ suspension, or limitation of a license or permit under subsection (a) or (b) of this section or has been arrested or indicted by a grand jury for a violent felony as defined in § 4201(c) of Title 11 or any crime against a child constituting a felony, shall notify the Secretary of such action in writing within 20 days of such conviction, arrest or indictment, whether or not a sentence has been imposed. Failure to do so shall be grounds on which the Secretary may limit, suspend, or revoke the holder's ~~license.~~ license or permit.

(f) Any license or permit holder who has surrendered an educator license or permit or any professional license or certificate or who has had such a ~~license~~ license, permit, or certificate revoked, suspended, or limited in any jurisdiction or by any agency shall notify the Secretary of such action in writing within 30 days of such action. Failure to do so shall be grounds on which the Secretary may limit, ~~suspend~~ suspend or revoke the holder's ~~license.~~ license or permit.

(g) The chief school officer or head of school, on behalf of the local board of education or charter school board of directors, shall report to the Secretary the name and last known address of any license or permit holder who is dismissed, resigns, ~~retires~~ retires, or is otherwise separated from employment with that district or charter school after the local board of education or charter school board of directors provides to the license or permit holder notice of intent to terminate for misconduct that constitutes grounds for revocation or suspension under subsection (a), (b), or (c) of this section. Such report shall be made within 15 days of the dismissal, resignation, ~~retirement~~ retirement, or other separation from employment and is required notwithstanding any termination agreement to the contrary that the local board of education or charter school board of directors may enter into with the license or permit holder. The reasons for the license or permit

holder's dismissal, resignation, ~~retirement~~ retirement, or other separation from employment with the district or charter school shall also be provided along with all evidence that was reviewed by or is in the possession of the district or charter school relating to the dismissal, resignation, retirement, or other separation from employment. The Department shall give written notice to any license or permit holder of any notification received under this subsection to the license or permit holder's last known address. Such notification shall be made within 15 days of receipt of the district or charter school's report to the Department of misconduct under this subsection. The obligation to report also applies when a chief school officer or head of school acquires relevant information after a license or permit holder's dismissal, resignation, retirement, or other separation from employment. Failure to make such reports shall be grounds on which the Secretary may issue a letter of reprimand, limit, suspend, or revoke the chief school officer's or head of school's license. All information obtained from the chief school officer or head of school shall be confidential and shall not be considered public records under Delaware's Freedom of Information Act (Chapter 100 of Title 29). If after having received notice of intent to terminate for misconduct in office or immorality, a license or permit holder requests and prevails at a hearing, there is no required report to the Department.

(h) The Secretary may investigate any information received about a person that reasonably appears to be the basis for action under subsections (a) through (c) of this section. The Secretary shall not investigate anonymous complaints. The Department shall give written notice within a reasonable period of time to a license or permit holder of any investigation initiated hereunder to the license or permit holder's last known address. All information obtained during an investigation is confidential and shall not be considered public records under Delaware's Freedom of Information Act (Chapter 100 of Title 29). The Secretary shall review the results of each investigation and shall determine whether the results warrant initiating action under subsection (a), (b), or (c) of this section. All final orders issued by either the Secretary or the Professional Standards Board under this section are public documents pursuant to § 10002 of Title 29.

(j) The Secretary may enter a consent agreement with a person against whom action is being taken under subsection (a), (b), or (c) of this section. A licensee or permit holder may surrender their license, certification, or permit through a consent agreement with the Secretary. Unless otherwise stated in the consent agreement and permitted under other applicable law, the Department must report the surrender of a license, certification, or permit to appropriate state and federal agencies and licensing data banks as a disciplinary action. The surrendered rights and privileges of a licensee and certification, or permit holder may not be reacquired.

(k) No action shall be taken against a person under subsection (a) or (b) of this section without providing the person with written notice of the charges and with an opportunity for a full and fair hearing before the Standards Board. Notice shall be personally delivered or sent by certified mail to the person's last known address. The license or permit

holder shall have 30 calendar days from the date the notice of the charges was mailed to make a written request for a hearing. Unless otherwise provided for in this section, the burden of proof in a license or permit disciplinary action shall be on the agency taking official action to establish by preponderance of the evidence that the license or permit holder has engaged in misconduct as defined by subsections (a) and (b) of this section or otherwise has failed to comply with the applicable laws and regulations relating to the retention of the ~~license.~~ license or permit. At the conclusion of any such hearing, the Professional Standards Board shall issue a final order finding the facts as determined by the hearing and issuing a public letter of reprimand, revoking, suspending, or limiting the ~~license~~ license, permit, or certificate, if appropriate. If no written request for a hearing is received by the Standards Board, the license or permit holder shall be issued a public letter of reprimand, or the license holder's license or permit holder's permit shall be deemed to be revoked, suspended, or limited in the manner set forth in the notice, and the holder shall be so notified.

(*l*) A license or permit may be suspended for a period of time not to exceed 5 years. The license or permit may be reinstated by the Secretary, upon written request, with verification that all requirements for license or permit renewal have been satisfied. If the license or permit expired during the period of suspension, the holder of the former license or permit may reapply for the same tier license or permit that was suspended but shall meet the license or permit requirements that are in effect at the time of the application for the ~~license.~~ license or permit.

(m) If any of the causes listed in subsection (a) or (b) of this section are determined, the Secretary or the Standards Board after a hearing, may put limitations on a license or permit that may ~~include but is not limited to:~~ include any of the following:

(1) Restrictions on the ages of students with whom the license or permit holder may ~~work;~~ work.

(2) Additional supervision ~~requirements; or~~ requirements.

(3) Education, counseling, or psychiatric examination requirements.

(n) If a decision of license or permit limitation, ~~suspension~~ suspension, or revocation is based on paragraph (a)(4), (a)(5), or (b)(1) of this section, and if the plea or conviction is overturned and there is no subsequent proceeding leading to a plea or conviction, the individual whose license or permit is limited, ~~suspended~~ suspended, or revoked may file a written request for reinstatement, including documentation of the final status of the judicial proceeding, and the license or permit shall be reinstated.

(o) An individual whose license or permit has been revoked under subsection (a) of this section may petition the Secretary for reinstatement of the license or permit not sooner than 5 years from the date of revocation. The individual shall submit to the Secretary a written petition showing credible evidence, by affidavit or otherwise, of the factors set forth in paragraph (o)(1) of this section.

(1) The Secretary shall consider all of the following criteria in evaluating a petition for reinstatement and shall only grant such a petition if it is in the best interest of the public schools of the State:

a. The nature and circumstances of the individual's original ~~misconduct;~~ misconduct.

b. The individual's subsequent conduct and ~~rehabilitation;~~ rehabilitation.

c. The individual's present ~~character; and~~ character.

d. The individual's present qualifications and competence to engage in the practice of instruction, ~~administration~~ administration, or other related professional support services.

(2) A former license or permit holder is entitled to a full and fair hearing before the Standards Board to challenge a denial of reinstatement pursuant to this subsection.

(3) A license or permit revoked under subsection (b) of this section or suspended under subsection (c) of this section may not be reinstated under this subsection. A license or permit revoked under paragraph (b)(1) of this section may only be reinstated pursuant to subsection (n) of this section and a license or permit suspended under subsection (c) of this section may only be reinstated pursuant to paragraph (c)(5) of this section or after a hearing before the Standards Board.

(p) In any hearing before the Standards Board to challenge action taken under this section, the Standards Board shall have the power to administer ~~oaths, order the taking of depositions, issue subpoenas, and compel attendance~~ oaths and issue subpoenas to compel the testimony of witnesses and the production of books, accounts, papers, records, ~~documents, and testimony.~~ and documents.

(q) Notice of the public letter of reprimand, limitation, revocation, ~~suspension~~ suspension, or reinstatement of a license or permit shall be made by the Secretary, or the Secretary's designee, to all chief state school officers of the other states and territories of the United States.

(r) All communications between a license or permit holder and the Department or Standards Board provided for in this section shall be by certified mail, with a return receipt ~~requested.~~ or via electronic mail if requested by the license or permit holder.

§ 1218A. Temporary suspension pending hearing.

(a) In the event of a complaint concerning the activity of a person ~~licensed~~ licensed, permitted, or certified that presents a clear and immediate danger to the health, safety, or welfare of students, the Secretary may temporarily suspend the person's ~~license~~ license, permit, or certificate, pending a hearing. An order temporarily suspending a ~~license~~ license, permit, or certificate under this section may not be issued unless the person or the person's attorney received at least 72 hours' written or oral notice before the temporary suspension so that the person or the person's attorney can file a written

response to the proposed suspension. The decision as to whether to issue the temporary order of suspension will be decided on the written submissions. An order of temporary suspension pending a hearing may remain in effect for no longer than 60 days from the date of the issuance of the order unless the temporarily suspended person requests a continuance of the hearing date. If the temporarily suspended person requests a continuance, the order of temporary suspension remains in effect until the hearing convenes and a decision is rendered.

(b) A person whose ~~license~~ license, permit, or certificate has been temporarily suspended pursuant to this section must be notified of the temporary suspension immediately and in writing. Notification consists of a description of the complaint and the order of temporary suspension pending a hearing personally served upon the person or sent by certified mail, return receipt requested, to the person's last known address.

(c) A person whose ~~license~~ license, permit, or certificate has been temporarily suspended pursuant to this section may request an expedited hearing. The Professional Standards Board shall schedule the hearing on an expedited basis, provided that the Board receives the request within 10 calendar days from the date on which the person received notification of the decision to temporarily suspend the person's ~~license~~ license, permit, or certificate.

(d) As soon as possible after the issuance of an order temporarily suspending a person's ~~license~~ license, permit, or certificate pending a hearing, the Board shall appoint a hearing examiner. After notice to the person pursuant to subsection (b) of this section, the hearing examiner shall convene within 60 days of the date of the issuance of the order of temporary suspension to consider the evidence regarding the matters alleged in the complaint. If the person requests in a timely manner an expedited hearing, the hearing examiner shall convene within 15 days of the receipt of the request by the Board. The hearing examiner shall render a decision within 20 days of the hearing.

§ 1218B. Nondisciplinary letter of concern

(b) If a person ~~licensed~~ licensed, permitted, or certified receives a total of 3 letters of concern pursuant to this section addressing the same or substantially similar conduct, the Secretary may reasonably impose any of the restrictions of § 1218(m)(3) of this title in order to protect the health, safety, or welfare of the person's current or prospective students.

§ 1219. Disclosure.

Pursuant to the rules and regulations promulgated and adopted under this chapter, the Department shall require each applicant for a license or permit under this chapter to disclose that applicant’s own criminal conviction history. Failure to disclose a criminal conviction history pursuant to this section is grounds for denial of a license or permit under § 1217 of this title, revocation of a license or permit under § 1218 of this title, ~~and/or~~ and criminal prosecution under ~~subchapter VI (Criminal Background Check for Public School Related Employment) of Chapter 85 of Title 11 until April 7, 2016, and effective on April 7, 2016,~~ subchapter I of Chapter 3 of Title 31.

Section 3. Amend Subchapter V, Chapter 12, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter V. ~~Special Institute for Teacher Licensure and Certification~~ [Repealed.]

~~§ 1250. Established.~~

~~A special institute to be run by 1 or more of Delaware's teacher training institutions shall be established to provide a program for college graduates without a license and/or certificate to become licensed and certified to teach in Delaware public schools. The program shall be designed for such graduates, who hold a bachelor's degree but who have no teacher training or previous teaching experience. The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are relative to the special institute for teacher licensure and certification and the teacher training institution or institutions will set up and manage the program. There will be no tuition charged to persons participating in the special institute leading to initial licensure and certification.~~

~~§ 1251. Standards for admission.~~

~~Any individual seeking licensure and/or certification under this subchapter shall meet the following minimum requirements:~~

~~(1) Must have received a bachelor's degree, other than in Education, from a regionally accredited 4-year program. The major field of study must be in a content area that has been designated as a critical needs area by the Department of Education.~~

~~(2) Must have a grade point index in the major field of the bachelor's degree which is $^{2}/_{10}$ of a point higher than the grade point index required for students entering regular teacher education programs at the teacher education institution or institutions.~~

~~(3) [Repealed.]~~

~~(4) Must agree to teach at least 1 year in a Delaware public school for each year the individual receives funding. Such service is to be completed within 5 years of the individual's successful completion of the Special Institute for Teacher Licensure and Certification Program. For failure to meet this requirement, the individual shall agree to pay back a sum equivalent to the tuition which would have been paid for the coursework leading to licensure. An individual can meet this requirement either by actually teaching in a Delaware public school for 1 year or by providing a notarized statement that the individual has sought employment in at least 5 Delaware public school districts but has not been able to secure a teaching position in any of those districts. The notarized statement must be accompanied by evidence of unsuccessful applications for teaching positions in at least 5 Delaware public school districts.~~

~~§ 1252. Format of special institute program.~~

~~The general format for the special institute must include the following:~~

~~(1) For the individual seeking licensure and certification in a secondary content area that corresponds to the major field of study in the bachelor's program, it is intended that 1 summer of courses in the special institute; ½ year (1 semester) of student teaching, or 1 year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the initial license and standard certificate. An initial license conditioned on continued enrollment in the Special Institute and an emergency certificate or a certificate of eligibility must be issued to the person employed to complete the 1 year of full-time teaching experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher Licensure and Certification Program, the individual must receive an initial license valid for a 3-year term, and a standard certificate.~~

~~(2) For individuals seeking licensure and certification in elementary or special education, it is intended that 2 summers of courses in the special institute (immediately before and after a student teaching experience or 1 year full-time teaching experience); ½ year of student teaching or 1 year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the initial license and standard certificate. An initial license conditioned on continued enrollment in the Special Institute and an emergency certificate or a certificate of eligibility must be issued to the person employed to complete the 1 year of full-time teaching experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher Licensure and Certification Program, the individual must receive an initial license valid for a 4-year term and a standard certificate.~~

Section 4. Amend § 1305, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1305. Basic salary schedule for teachers, <u>specialists,</u> nurses, principals, superintendents, and other ~~school~~ <u>administrative and supervisory</u> employees [For application of this section, see 84 Del. Laws, c. 295, § 8(m)(6)].

(n) In addition to the base salary derived from subsections (a) and (b) of this section and any supplements provided pursuant to subsections (*l*) and (m) of this section, an employee paid in accordance with this section is eligible to earn additional salary supplements for accepting additional responsibility assignments that impact student achievement. The Professional Standards Board has the authority to review and make recommendations regarding additional responsibility supplements for administrators. The Professional Standards Board, with the approval of the State Board of Education, shall designate through regulation the specific assignments that an employee may accept in order to receive a state-funded salary supplement. The supplement must be in the form of an additional salary amount spread evenly across an employee's

contract period similar to base salary or be paid as a single payment. The supplement must be no less than $750 and no more than ~~$1,500.~~ $5,000. In addition to the state-specified assignments designated by the Professional Standards Board and State Board pursuant to Chapter 12 of this title, a local school district, with the approval of the Standards Board and the State Board, and through regulatory action of the local board, may designate specific academic assignments that an employee may accept in order to receive a state-funded salary supplement. An assignment designated pursuant to this subsection must be academic in nature and may not include extracurricular activities or noninstructional supervisory responsibilities. ~~The provisions of this subsection become effective in fiscal year 2001, except that the Professional Standards Board, subject to state board approval, may, pursuant to § 1203 of this title, authorize stipends for educator lead mentors in fiscal year 2000.~~ The state-funded salary supplements described in this subsection are subject to an annual appropriation. The Department of Education shall provide for funding the supplement provisions of this subsection in its annual budget.

(q) For purposes of the state educator ~~mentoring~~ program, a retired educator engaged in mentoring activities shall be entitled to the same stipends as otherwise provided for nonretired educator mentors. Such retired educators shall be considered a casual employee under § 5502(a)(3) of Title 29 for purposes of pensions.

Section 5. Amend § 1313, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1313. Employment requirements.

(a) A person may not be ~~employed by a public school employer~~ an employee or contractor within a public school in any position requiring ~~licensure and certification~~ licensure and certification, or a permit if the person does not meet ~~licensure and certification~~ licensure and certification, or permit requirements established under Chapter 12 of this title, except pursuant to a license or permit extension ~~and/or~~ or emergency certificate issued pursuant to Chapter 12. A person's salary may not be reduced because that person is employed under a license or permit extension ~~and/or~~ or emergency certificate.

(b) The Department of Education has the authority to require reimbursement of any funds disbursed to a district or charter school used to pay an employee without licensure, certification, or a permit, who holds a position requiring licensure, certification, or a permit, if the district or charter school intentionally retains the employee for more than 90 calendar days after the initial hire. The Department may only seek reimbursement for the period of time a school district or charter school retains the employee after the 90 calendar-day grace period after the initial hire and may only do so not less than 30 days after the Department has properly notified the employee and employer.

(c) The Department of Education has the authority to require reimbursement of any funds disbursed to a district or charter school used to pay an employee that works in a school under an expired license, certification, or permit provided that the Department has notified the employee and employer prior to the expiration of the license, certification, or permit. The Department may not require reimbursement of funds if the Department is the cause of a delay in issuing a license, certification, or permit.

(d) In the event reimbursement is requested by the Department, the district or charter school may not require reimbursement from the employee unless the employee has intentionally provided false information or has failed to provide the Department with documentation necessary for a license, certificate, or permit.

(e) When school districts or charter schools utilize contractual options to provide services for which a license, certificate, or permit is required, the vendor or contractor making the person available to be assigned to a school is responsible for ensuring compliance with the provisions of this section. If a vendor or contractor knowingly assigns a person who does not meet the requirements of this section to a school, district, or charter school, the Department may report the vendor or contractor to the Department of Finance, Division of Revenue for revocation of the vendor's or contractor's business license. School districts and charter schools are encouraged to include provisions containing the requirements of this section in contracts for the provision of relevant school services.

(f) Whenever the Department sends notification to an employee regarding the deficiency of an application or the issuance or expiration of a license, certificate, or a permit, the Department must also notify the employer. The employer may appeal a Department decision to require reimbursement of funds. The appeal will be heard by the State Board of Education whose decision will be final.

Section 6. Amend § 311, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 311. Penalties regarding background checks for child-serving entities and personal information disclosure.

(c) Any person seeking employment with a child-serving entity or any person seeking a license or permit under Chapter 12 of Title 14 who knowingly provides false, incomplete or inaccurate criminal history information, Child Protection Registry information, or child sex abuser information or who otherwise knowingly violates § 309 of this title shall be guilty of a class G felony and shall be punished according to Chapter 42 of Title 11. The Superior Court shall have exclusive jurisdiction for any offense under this subsection.

Section 7. The Department of Education and Department of Human Resources (DHR-PHRST) shall work with school districts to update the Department of Education Payroll Human Resources Statewide Technology code manual so that the position codes align to titles of positions that are currently used by educators in Delaware, and outdated codes are

deleted. By the end of Fiscal Year 2026, the Department shall create guidance for a standardized assignment of position codes of Local Education Agency and Department employees that align job titles with position codes. By the start of the 2026-2027 school year, all education employees must be assigned codes according to the new system and its guidance.

Section 8. Sections 1, 2, 3, 5, and 6 of this Act are effective immediately and are to be implemented the earlier of the following:

(1) 1 year from the date of the Act's enactment.

(2) Notice by the Secretary of Education published in the Register of Regulations that final regulations to implement this Act have been adopted.

Section 9. Sections 4 and 7 of this Act take effect immediately.