



SPONSOR: Sen. Sokola & Rep. Ulbrich ;  
Sens. Blevins, Bunting, DeLuca,  
Marshall, McDowell, Venables,  
Bonini; Reps. DiPinto, D. Ennis,  
Maier, Miro & Spence

DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLES 14, 11 AND 29 OF THE DELAWARE CODE RELATING TO EDUCATION.

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

**Section 1.** This Act shall be known as the Professional Development and Educator Accountability Act of 1999.

**Section 2.** Amend Chapter 12, Title 14, Delaware Code, by designating current Subchapter II, Subchapter III, and Subchapter IV as new Subchapter IV, new Subchapter V, and new Subchapter VI respectively and by deleting the remainder of Chapter 12 in its entirety and inserting in lieu thereof the following:

**“CHAPTER 12. EDUCATOR LICENSURE, CERTIFICATION, EVALUATION, AND PROFESSIONAL DEVELOPMENT**

**§ 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 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, professional development, and evaluation designed to support improved student achievement, 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 workforce and to improve student performance. All educators must be licensed, certified, and evaluated in accordance with this Act. 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 Act.

**§ 1202. Definitions.**

The following definitions apply to this Chapter:

- (1) ‘State Board’ means the State Board of Education of the State of Delaware pursuant to 14 Del. C. § 104.
- (2) ‘Standard certificate’ means a credential issued to certify that an educator has the prescribed knowledge, skill, and/or education to practice in a particular area, teach a particular subject, or teach a category of students. An educator may be issued one or more certificate.
- (3) ‘Certification’ means the issuance of a certificate, which may occur regardless of a recipient’s assignment or employment status.
- (4) ‘Delaware Performance Appraisal System II’ (DPAS II) means the evaluation developed and conducted pursuant to this chapter.
- (5) ‘Department’ means the Delaware Department of Education.
- (6) ‘Educator’ means a public school employee who holds a license issued under the provisions of this chapter, including teachers and administrators, and as otherwise defined by the Standards Board and State Board pursuant to § 1203 of this title.
- (7) ‘Emergency certificate’ means a credential which may be issued only under circumstances of an extreme nature and only upon a showing by an employing agency supporting the competency of the proposed recipient of the emergency certificate, and the commitment by the employing agency to support and assist the proposed recipient in achieving the skills and knowledge necessary to meet certification requirements.
- (8) ‘Evaluator’ means an individual or team meeting the minimum qualifications to appraise educator performance set forth in the rules and regulations promulgated under § 1271 of this chapter.
- (9) ‘License’ means a credential which authorizes the holder to engage in the practice for which the license is issued.
- (10) ‘Paraprofessional’ means a public school employee covered by § 1324 of this title.
- (11) ‘Secretary’ means the Secretary of the Delaware Department of Education.
- (12) ‘Standards Board’ means the Professional Standards Board established pursuant to this chapter.

#### **§ 1203. Rules and regulations.**

Unless otherwise provided for in this chapter, rules and regulations necessary to implement this chapter must be proposed by the Standards Board subject to approval of the State Board. The Standards Board shall develop rules and regulations in consultation and cooperation with the Department of Education. Once developed, the rules and regulations must be sent to the Executive Secretary of the State Board and must be included on the State Board’s agenda no later than the second regular meeting of the State Board following the Executive Secretary’s receipt of the rules and regulations. The rules and regulations must be addressed by the State Board when placed on its agenda. If approved by the State Board, rules and regulations have the force and effect of law. The Department

shall adopt and publish all rules and regulations pursuant to the provisions of this section and to the provisions of the Administrative Procedures Act.

*Subchapter I. Professional Standards Board.*

**§ 1205. Purpose**

(a) Recognizing that well-prepared, effective educators 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. It is the intent of the General Assembly that the Professional Standards Board and the Department of Education work in close coordination and collaboration to fully and effectively implement the purposes of this chapter.

(b) The purpose of the Professional Standards Board is to develop rules and regulations relating to educators' professional development, licensure requirements, certification requirements, teacher preparation, recruitment and retention, the Delaware Performance Appraisal System II, and evaluators' and paraprofessionals' qualifications and training. The Department will implement the rules and regulations promulgated and adopted pursuant to this chapter relating to licensure and certification of educators, and certification of evaluators, and as otherwise directed by rules and regulations developed under this chapter.

**§1206. Composition and governance of the Professional Standards Board**

(a) The Standards Board shall consist of fifteen voting members and one non-voting member as follows:

(1) Eight public school teachers, with no less than two being from each County, and with one being a special education teacher and at least one teacher each from the high school, middle school, and elementary school levels. The eight teachers must be selected from a list supplied by the Delaware State Education Association in accordance with subsection (c) of this section. Teachers appointed to the Standards Board shall be individuals who have demonstrated excellence in their field by achieving honors in their field such as State or District Teachers of the Year, or National Board certification.

(2) Three public school administrators, with one from each County, selected from a list supplied by the Delaware Association of School Administrators in accordance with subsection (c) of this section.

(3) One member of a local school board selected from a list supplied by the Delaware State School Board Association in accordance with subsection (c) of this section.

(4) Two parents, from separate counties, selected from a list supplied by the Delaware Congress of Parents and Teachers in accordance with subsection (c) of this section.

(5) One representative of higher education selected from a list supplied by the Council of Presidents in accordance with subsection (c) of this section.

(6) The chairperson of the State Public Education Assessment and Accountability System Advisory Committee, or his or her designee, is the non-voting member.

(b) Each member of the Standards Board shall be appointed by the Governor, and confirmed by the Senate, for a term of three years, except that initial appointment shall be for terms as follows: five members shall be appointed for a term that shall expire two years following the date of appointment, five members for a term that shall expire three years following the date of appointment, and five members, including the chairperson of the Standards Board, for an initial term that shall expire four years from the date of appointment. The Governor shall designate one voting educator-member of the Standards Board to serve, at the pleasure of the Governor, as chairperson of the Standards Board. The members of the Standards Board shall elect a Vice-Chairperson. A member of the Standards Board shall serve until his or her successor is appointed. A member appointed to fill a vacancy shall serve for the non-expired term of the member whom he or she replaced. A Standards Board member is eligible for reappointment. A member subject to disciplinary proceedings shall be disqualified from Standards Board business until the charge is adjudicated or the matter is otherwise concluded.

(c) With respect to appointments pursuant to subsection (a) of this section, the designated organization shall provide the Governor with a list of potential appointees. The Governor may require that a specific number of potential appointees, up to twenty, be included on any list submitted. The Governor may reject any and all potential appointees on the list and request up to four additional lists at his or her discretion.

(d) The Standards Board shall have the following standing committees in the following subject areas:

1. Teacher Preparation, Recruitment and Retention;
2. Licensure and Certification Criteria;
3. Professional Development and Associated Compensation; and
4. The Delaware Performance Appraisal System II.

A standing committee shall consist of at least one member of the Standards Board and other persons as may be mutually agreeable to the chairperson of the Standards Board and the Secretary.

(e) The Executive Director of the Standards Board shall be appointed and serve at the pleasure of the majority of the members of the Standards Board. The Executive Director shall act as secretary to the Standards Board and shall be paid commensurate with the Department of Education salary schedule. The Executive Director may employ such personnel as are necessary to carry out the directions of this subchapter, subject to the approval of the Standards Board and within the limits of any appropriation made by the General Assembly. The Executive Director and other persons employed pursuant to this subsection shall serve at the pleasure of the majority of the members of the Standards Board. These employees are excluded from 'classified service' or 'state service' as defined in Title 29, Chapter 59 if this Code.

(f) The Standards Board may also create other committees as deemed necessary with the approval of a majority of the members of the Standards Board, provided that such committees do not overlap or otherwise make

recommendations in the subject areas governed by the standing committees in subsection (d) of this section. The Standards Board may appoint members of the Standards Board to such committees. The Standards Board may, by mutual agreement between the Chairperson and the Secretary, also appoint other persons to such committees from appropriate groups of educators, parents, citizens and the business community.

- (g) A majority of the members of the Standards Board constitutes a quorum. No motion or resolution of the Standards Board may be adopted without the concurrence of its the majority of its members.
- (h) Members of the Standards board shall receive an annual salary of \$600, and shall be reimbursed for the reasonable and necessary travel expenses incurred in connection with the performance of official duties. Meeting of the Professional Standards board shall not be held during normal school hours.
- (i) Upon request of the Secretary for advice or recommendations on matters within the purview of the Standards Board, the Standards Board shall respond to the request within a time frame that is mutually agreed upon between the Secretary and Standards chairperson.
- (j) The initial fifteen (15) voting members of the Standards Board must be appointed no later than ninety (90) days after the enactment of this Act.
- (k) The Standards Board is subject to the provisions of the Administrative Procedures Act (Chapter 101, Title 29 of the Delaware Code).

#### *Subchapter II. Three tiered licensure system*

##### **§ 1210. Tier One - Initial Licensure.**

- (a) An initial license is valid for three (3) years unless revoked. The Department shall issue an initial license under this section if an applicant demonstrates that he or she has received a bachelors degree from an accredited four-year college or university, has completed a student teaching program or the Alternative Routes to Licensure program, and has achieved a passing score on an examination of general knowledge such as Praxis I.
- (b) The licenses shall, prior to the expiration of his or her initial license, complete professional development and mentoring activities as may be required by rules and regulations promulgated and adopted pursuant to this chapter.
- (c) Pursuant to rules and regulations promulgated and adopted pursuant to § 1203 of this chapter, the Department may issue an initial license to an applicant licensed as an educator in another jurisdiction or to an applicant who previously held a valid Delaware certificate that has since expired.
- (d) An initial license may not be renewed. It may, however, be extended pursuant to § 1216 of this chapter.

##### **§ 1211. Tier Two - Continuing Licensure.**

- (a) A continuing license is valid for five (5) years unless extended pursuant to §1216 of this chapter or revoked.

(b) Upon application, the Department shall issue a continuing license to an educator holding an initial license if the educator has successfully completed the requirements of § 1210 of this chapter and has not otherwise received two unsatisfactory annual evaluations, as defined by DPAS II, during the period of initial licensure.

(c) Pursuant to rules and regulations promulgated and adopted pursuant to § 1203, the Department may issue a continuing license to an applicant licensed as an educator in another jurisdiction or to an applicant who previously held a valid Delaware certificate that has since expired.

**§ 1212. Continuing Licensure - Renewal.**

Upon application, the Department shall renew a continuing license for an additional five (5) year term if the educator has completed ninety (90) clock-hours of approved professional development, as well as other professional development and/or mentoring requirements as may be required by the rules and regulations promulgated and adopted pursuant to § 1203 of this chapter. For the purpose of this section, 'clock-hour' means actual time spent in professional development, not credit hours. The Standards Board shall review the professional development requirements of this section on an on-going basis for the purpose of proposing regulations that modify the minimum requirements of this section and that improve the effectiveness of professional development. Notwithstanding any provisions of this subsection to the contrary, the Standards Board may not modify the minimum clock-hour requirements of this section until January 1, 2003.

**§ 1213. Tier Three - Advanced licensure.**

An advanced license is valid for ten (10) years unless extended pursuant to § 1216 of this chapter or revoked. Upon application, the Department shall issue an advanced license to an educator who receives National Board for Professional Teaching Standards certification. The Department may also issue an advanced license to an educator who, upon application, demonstrates proficiency under an equivalent program that has been approved in rules and regulations promulgated and adopted under this chapter.

**§ 1214. Advanced licensure - Renewal.**

Upon application, the Department shall renew an advanced license for an additional ten (10) year term, provided that the educator maintains proficiency under the program for which the advanced license was first issued.

**§ 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 a professional status certificate issued by the Department prior to the effective date of this Act. 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 at the time of enactment of this Act.

**§ 1216. License extension.**

Upon a showing of exigent circumstances by an educator, the Department may, through rules and regulations promulgated and adopted pursuant to this chapter, issue a license extension for a period not to exceed one (1) year.

**§ 1217. Denial of license.**

Pursuant to rules and regulations promulgated and adopted pursuant to § 1203 of this chapter, the Department may refuse to issue a license to an applicant who otherwise meets the requirements of this subchapter upon a finding that the applicant is unfit to be licensed in the State of Delaware. An applicant is entitled to a full and fair hearing before the Standards Board to challenge a denial pursuant to this section.

**§ 1218. Revocation of license or certificate.**

A license or certificate may be revoked upon the dismissal of the license holder for immorality, misconduct in office, incompetency, wilful neglect of duty, disloyalty, or upon a finding that the license holder made a materially false or misleading statement in his or her license application. A license holder is entitled to a full and fair hearing before the Standards Board to challenge a revocation pursuant to this section and an appeal of the hearing decision to the State Board.

**§1219. Disclosure.**

Pursuant to the rules and regulations promulgated and adopted under this chapter, the Department shall require each applicant for a license under this chapter to disclose his or her criminal conviction history. Failure to disclose a criminal conviction history pursuant to this section is grounds for denial of a license under §1217 of this title, revocation of a license under § 1218 of this title and/or criminal prosecution under subchapter VI (Criminal Background Check for Public School Related Employment), Chapter 85, Title 11 of this Code.

*Subchapter III. Educator Certification*

**§ 1220. Standard Certificate.**

Pursuant to rules and regulations promulgated and adopted under § 1203 of this chapter, the Department may issue a standard certificate to an educator who fully meets the requirements for licensure and has acquired the prescribed knowledge, skill, and/or education to practice in a particular area, to teach a particular subject, or to instruct a particular category of students. Where applicable and available an applicant for a standard certificate must have achieved a passing score on an examination of content knowledge, such as Praxis II. The Department shall recognize a professional status certificate or standard certificate that is otherwise valid, if issued prior to the effective date of this Act. The Department shall also recognize any limited standard certificate issued prior to the

effective date of this Act provided that the educator successfully completes the requirements set forth in the limited standard certificate.

**§ 1221. Emergency Certificate.**

(a) Pursuant to rules and regulations promulgated and adopted under § 1203 of this chapter, the Department may issue an emergency certificate only under circumstances of an extreme nature and only upon a showing by an employing agency supporting the competency of the proposed recipient of the emergency certificate, and the commitment by the employing agency to support and assist the proposed recipient in achieving the skills and knowledge necessary to meet certification requirements.

(b) Any educator who is directed to teach in an area outside his or her certification shall not suffer any reduction in salary as a result of that assignment.

**§ 1222. Revocation of Standard Certificate.**

A standard certificate must be revoked upon a finding, after a hearing, that the certificate holder made a material false or misleading statement in his or her application or upon revocation of a license issued under this chapter.

*Subchapter VII. Educator Evaluations*

**§ 1270. The Delaware Performance Appraisal System.**

(a) An educators must receive at least one Delaware Performance Appraisal System II (DPAS II) evaluation annually. The evaluation must be consistent with the Delaware Professional Teaching Standards and the Delaware Administrators' Standards, and must otherwise be in accordance with the criteria and requirements of this section.

(b) The Standards Board, through its Delaware Performance Appraisal System II standing committee, shall develop a new educator annual evaluation system (DPAS II) to submit for approval, pursuant to § 1203 of this title, by the State Board by July 1, 2000. The DPAS II must include an overall rating and an student-improvement component rating, and must identify what constitutes satisfactory performance and unsatisfactory performance on the overall evaluation and on each component of the evaluation. For the purposes of § 1273 of this title, DPAS II must also include a definition of 'pattern of ineffective teaching' as it relates to unsatisfactory performance on the overall DPAS II evaluation. Notwithstanding subsection (a) of this section, the minimum annual evaluation requirement for educators may be waived for proficient performance on previous annual evaluations as defined by rules and regulations adopted under this chapter.

(c) DPAS II shall have no more than five (5) components and must have a strong focus on student improvement with one component dedicated exclusively to student improvement to be weighted at least as high as any other component. The measure of student improvement must include an off-grade assessment,



if available, along with other measures determined by the DPAS II standing committee, the Standards Board, and the State Board pursuant to § 1203 of this title. The measure of student improvement must take into consideration student absence, student mobility, chronic noncompliance with school rules by students, chronic failure by parents to abide by the Parents' Declaration of Responsibilities under § 157 of this title and other factors that may affect the evaluation.

(d) The Department shall develop an annual off-grade assessment to measure student improvement. The assessment must be linked to the Delaware Student Testing Program in reading, writing, and math. Assessments must be made available to every district by April 2001, subject to an annual appropriation and approval by the Secretary.

(e) Off-grade annual assessments in other content areas may be developed and, if developed, must be utilized as they become available.

(f) A local school district may develop and implement other assessment tools that measure annual student improvement, including assessments in other content areas. Assessment tools developed and implemented pursuant to this subsection must be approved by the Secretary and the Standards Board and must be funded with local funds.

(g) Nothing in this section prevents a local school district from administering other evaluations in addition to the Delaware Performance Appraisal System II, provided that the administering of additional evaluations is reported to the Department.

#### **§ 1271. Certification of professional evaluators.**

The Standards Board shall develop rules and regulations pursuant to § 1203 of this chapter to credential professional evaluators for the Delaware Performance Appraisal System II, including appropriate training for evaluators. The Department shall ensure that all evaluators are properly trained and credentialed. To maintain a high standard of quality for professional evaluations, the Standards Board shall develop recommendations for an ongoing system of monitoring for the Delaware Performance Appraisal System II to be implemented by the Department.

The monitoring system must include a process by which an educator may challenge the fairness of an evaluation with regard to the process used and/or the conclusion reached.

#### **§ 1272. Improvement plans/ professional development.**

(a) If the overall rating of an educator's DPAS II evaluation is unsatisfactory, the district shall develop and assign an improvement plan to the educator and provide a reasonable amount of time for the educator to complete the improvement plan. A district shall also make recommendations for improvement if an educator's performance on an individual component of the evaluation is unsatisfactory. An improvement plan must identify the deficiencies in an educator's performance and the professional development activities required to improve the deficiencies to a satisfactory level. An improvement plan pursuant to this section must be developed as part of a collaborative process between the district and the educator where

possible, with the district having the final authority to develop and assign the plan. The Standards Board shall develop guidelines for improvement plans required pursuant to this section.

- (b) In an effort to promote continuous growth and to improve educator performance, the Standards Board shall also develop guidelines for professional development when an educator receives a satisfactory DPAS II evaluation. The guidelines must incorporate specific professional development activities designed to enhance knowledge and skill in areas recommended by an evaluator.

**§ 1273. Incompetency – A Pattern of Ineffective Teaching.**

A pattern of ineffective teaching shall be defined pursuant to § 1270 of this title. Notwithstanding any case law to the contrary, when a pattern of ineffective teaching is established, a local school district may move to terminate a teacher (as defined by § 1401 of this Title) for incompetency pursuant to § 1411 or § 1420 of this title. Nothing herein shall be construed to limit a local school district's ability to terminate a teacher for incompetency under § 1411 or § 1420 of this title where supported by factors other than a pattern of ineffective teaching and nothing herein shall be construed to require additional factors beyond a pattern of ineffective teaching to constitute incompetency for purposes of termination.

**§ 1274. Disclosure.**

If an educator licensed under this chapter is seeking an educator position in this State, the educator shall disclose the results of his or her previous 3 DPASII evaluations, if applicable, to a prospective employing district. Upon the request of the prospective employing district, a present or previous employing district of the educator shall confirm the results of the educator's previous DPAS II evaluations. No action in law or equity may be brought or maintained against a local school district or an employee thereof for action taken in compliance with this section.

**Section 3.** Amend §158(b), Title 14, Delaware Code by inserting after the last sentence of said subsection the following: "The Chairperson of the Professional Standards Board, or his or her designee, shall be a non-voting member of the Accountability System Advisory Committee."

**Section 4.** Amend §1230, Title 14, Delaware Code, by deleting the word "certification" in the first sentence thereof, and insert the word "licensure" in lieu thereof, and further amend said section by deleting the word "certificate" wherever it appears therein and substituting the word "license" in lieu thereof.

**Section 5.** Amend § 8572, Title 11, Delaware Code by inserting after the word "seeking" the words "a license under Chapter 12 of Title 14 or".

**Section 6.** Amend new Subchapter V of Chapter 12, Title 14, Delaware Code, by deleting the title thereof and replacing it with the following: "*Subchapter V. Special Institute for Teacher Licensure and Certification*".

**Section 7.** Amend §1250, Title 14, Delaware Code, by deleting the words "initial standard certificates" from the first sentence thereof and inserting the words "a license and/or certificate" in lieu thereof, and further amend said section by inserting the words "licensed and " between the words "become" and "certified" in the first sentence thereof and further amend said section by deleting the word "certification" in the third sentence thereof and

inserting the words “licensing and certification” in lieu thereof; and by inserting in the fourth sentence between the words “initial” and “certification” the words “licensure and”.

**Section 8.** Amend §1251, Title 14, Delaware Code, by deleting the word “certification” where it appears as the fourth word of the first sentence thereof and substituting the words “a license and/or certification”; by deleting the words “standard certificate” from the first sentence of § 1251(4) thereof and substituting the word “license” in lieu thereof; by deleting the word “certification” in the second sentence of § 1251(4) and substituting the word “licensure”.

**Section 9.** Amend new Subchapter VI of Chapter 12, Title 14, Delaware Code, by deleting the title thereof and replacing it with the following: “*Subchapter VI. Alternative Routes For Teacher Licensure and Certification*”.

**Section 10.** Amend §1230, Title 14, Delaware Code by deleting the words “The Department of Education with the approval of the State Board of Education shall make rules and regulations” and insert in lieu thereof the following: “The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are”.

**Section 11.** Amend §1250, Title 14, Delaware Code by deleting the words “The Department of Education with approval of the State Board of Education shall make rules and regulations” and inserting in lieu thereof the following: “The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are”.

**Section 12.** Amend §1260, Title 14, Delaware Code by deleting the words “teacher certification program” wherever they appear, including the section heading, and inserting in lieu thereof in each place the words “teacher licensure and certification program”; by deleting the words “a limited standard certificate” or “the limited standard certificate” and inserting in each place the words “an initial license and a certificate or certificates”; and by deleting the words “2 years” and inserting in lieu thereof the words “3 years”.

**Section 13.** Amend §1260, Title 14, Delaware Code, by deleting the word “Candidates” in the first sentence of §1260(a) and inserting in lieu thereof the following: “Subject to § 1217 of this title and notwithstanding any other provision in this chapter to the contrary, candidates”; and by deleting the words “proposed by the Secretary subject to approval by the State Board” in §1260(c) and inserting in lieu thereof the words “promulgated and adopted pursuant to §1203 of this title”.

**Section 14.** Amend §1261, Title 14, Delaware Code, by deleting the words “teacher certification program” wherever they appear, including the section heading, and inserting in lieu thereof the words “teacher licensing and certification program”; by deleting the word “Department” wherever it appears and inserting in each place in lieu thereof the words “Standards Board and the State Board of Education under §1203 of this title”; and by deleting “the school administration” in §1261(b)(2) and inserting in lieu thereof the following: “certified evaluators”.

**Section 15.** Amend §1261(d), Title 14, Delaware Code, by deleting subsection (d) in its entirety and inserting in lieu thereof the following:

355 “(d) Notwithstanding the foregoing, the Secretary, pursuant to rules and regulations promulgated and  
356 adopted pursuant to §1203 of this title, may implement other alternative routes to teacher licensing and  
357 certification programs, provided the programs meet the minimum criteria set forth in subsection (b) of this  
358 section.”

359 **Section 16.** Amend §1262, Title 14, Delaware Code, by deleting the words “teacher certification  
360 program” wherever they appear, including the section heading, and inserting in each place in lieu thereof the words  
361 “teacher licensing and certification program”; by deleting the word “administrators” and inserting in lieu thereof the  
362 word “evaluators”; and by deleting the words “the school administration” and inserting in lieu thereof “certified  
363 evaluators”.

364 **Section 17.** Amend §1262(b), Title 14, Delaware Code, by striking the phrase “employment or  
365 certification” and by substituting in lieu thereof the phrase “licensure, certification, or employment”.

366 **Section 18.** Amend §1263, Title 14, Delaware Code by deleting the words “teacher certification  
367 training program” and “teacher certification program” wherever they appear, including the section heading, and  
368 inserting in lieu thereof the words “teacher licensing and certification program”; and by inserting between the words  
369 “for” and “certification” in the section heading the words “initial licensure and”.

370 **Section 19.** Amend §1263, Title 14, Delaware Code by deleting the words “standard certificate” in  
371 §1263(c)(1) and inserting in lieu thereof the words “license or recommends the issuance of an initial license and  
372 certificate”; by deleting the words “standard certificate” in §1263(c)(2) and inserting the word “license”; and by  
373 deleting the words “teacher certification” in §1263(c)(2) and inserting the words “teacher licensing and certification  
374 program”.

375 **Section 20.** Amend §1263(e), Title 14, Delaware Code by deleting the words “standard certificate”  
376 and inserting the word “license”; by deleting the words “certification recommendation” and inserting in lieu thereof  
377 the words “initial license and certification recommendation”; and by deleting “concerning certification” and  
378 inserting in lieu thereof “concerning initial licensure and certification”.

379 **Section 21.** Amend §1264, Title 14, Delaware Code, by deleting the words “teacher certification  
380 program” wherever they appear, including the section heading, and inserting the words “teacher licensing and  
381 certification program”; by deleting the word “standard” as it appears in §1264(a) and inserting the words “license  
382 or”; and by deleting the words “teacher certification programs” from §1264(b) and inserting the words “teacher  
383 licensing and certification programs”.

384 **Section 22.** Amend §1264, Title 14, Delaware Code, by deleting the words “policy, as approved by  
385 the State Board” and inserting the words “rules and regulations promulgated and adopted pursuant to § 1203 of this  
386 title”.

387 **Section 23.** Amend §122, Title 14, Delaware Code, by deleting §122(b)(6) in its entirety and  
388 renumbering the paragraphs in §122(b) accordingly and by inserting as new §122(c) the following:

389 “(c) The Department shall implement rules and regulations promulgated and adopted by the Professional  
390 Standards Board and State Board of Education pursuant to § 1203 of this title governing qualifications, licensure and  
391 certification of educators in all public schools of this State.”.

392 **Section 24.** A board or commission established under Title 24 of the Delaware Code which regulates the  
393 license and professional conduct of persons who may be employed as public school employees shall retain  
394 jurisdiction over the licensure and regulation of such employees, provided that the Standards Board, subject to the  
395 approval of the State Board, may develop rules and regulations pertaining to the certification of such employees as  
396 may be required for employment in the public schools of the state.

397 **Section 25.** The Department shall begin issuing licenses and certifications as prescribed by this Act to  
398 applicants not previously certified in the State of Delaware by July 1, 2000, subject to the development and approval  
399 of rules and regulations. Applicants applying prior to July 1, 2000, shall receive certificates consistent with the  
400 process in place prior to the enactment of this Act. Educators holding valid certificates upon enactment of this Act  
401 or valid certificates issued prior to July 1, 2000 shall be issued licenses and certificates as prescribed by this Act and  
402 the Department shall develop a fair process to phase in such educators beginning January 15, 2001. The Department  
403 will also develop by September 1, 2000, a timeline for issuing licenses and certificates to persons seeking licensure  
404 and certification who have previously held valid certificates in the State of Delaware prior to the enactment of this  
405 Act and until such time, shall issue certificates in the same manner consistent with the practice prior to the  
406 enactment of this Act.

407 **Section 26.** The Department, in consultation with the Standards Board and the State Board, shall review  
408 capacity issues within the Department and local school districts to implement the provisions of this Act. Based on  
409 that review, the Department shall incorporate recommendations into its Fiscal Year 2001 and Fiscal Year 2002  
410 Budget Requests.

411 **Section 27.** Amend §1305, Title 14, Delaware Code, by striking §1305(a), in its entirety and substituting  
412 in lieu thereof the following:

413 “(a) The annual salaries of employees paid under this section and who are employed on a 10-  
414 month contract, shall be based on the following indexed schedule:

Education									
Years Of Experie nce	No Degree	Bachelor s Degree	Bachelor s Degree Plus15 Graduate	Bachelor s Degree Plus30 Graduate	Masters Degree	Masters Degree Plus15 Graduate	Masters Degree Plus30 Graduate	Masters Degree Plus45 Graduate	Doctor’s Degree

Education									
			Credits	Credits		Credits	Credits	Credits	
0	0.960	1.000	1.040	1.080	1.140	1.180	1.220	1.260	1.300
1	0.970	1.010	1.050	1.090	1.150	1.190	1.230	1.270	1.310
2	0.979	1.020	1.060	1.100	1.160	1.200	1.240	1.280	1.320
3	1.015	1.055	1.095	1.135	1.195	1.235	1.275	1.315	1.355
4	1.045	1.082	1.118	1.155	1.209	1.245	1.290	1.330	1.370
5	1.082	1.118	1.155	1.191	1.245	1.282	1.318	1.355	1.391
6	1.118	1.155	1.191	1.227	1.282	1.318	1.355	1.391	1.427
7	1.155	1.191	1.227	1.264	1.318	1.355	1.391	1.427	1.464
8	1.191	1.227	1.264	1.300	1.409	1.445	1.482	1.518	1.555
9	1.227	1.264	1.300	1.336	1.445	1.482	1.518	1.555	1.591
10			1.336	1.373	1.482	1.518	1.555	1.591	1.627
11			1.373	1.409	1.518	1.555	1.591	1.627	1.664
12				1.445	1.555	1.591	1.627	1.664	1.700
13				1.482	1.591	1.627	1.664	1.700	1.736
14					1.627	1.664	1.700	1.736	1.773
15							1.736	1.773	1.809

415

416 In addition to the indices specified in the schedule contained in this subsection, the following shall apply to  
417 certain individuals paid in accordance with this schedule who were employed by a school board in Delaware on June  
418 30, 1994:

419 (1) An employee with no degree who was paid in accordance with the 8-year step for the fiscal year  
420 ending June 30, 1994, shall be paid at an index of 1.227 for the fiscal year ending June 30, 1995, and at an index of  
421 1.264 for the fiscal year ending June 30, 1996, and at an index of 1.30 for the fiscal year ending June 30, 2000, and  
422 for subsequent fiscal years.

(2) An employee with no degree, who was paid in accordance with the 9-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.264 for the fiscal year ending June 30, 1995, and at an index of 1.30 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(3) An employee with no degree, who was paid in accordance with the 10-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.264 for the fiscal year ending June 30, 1995, and at an index of 1.30 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(4) An employee with a bachelor's degree who was paid in accordance with the 8-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.264 for the fiscal year ending June 30, 1995, and at an index of 1.300 for the fiscal year ending June 30, 1996, and at an index of 1.336 for subsequent fiscal years.

(5) An employee with a bachelor's degree, who was paid in accordance with the 9-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.300 for the fiscal year ending June 30, 1995, and at an index of 1.336 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(6) An employee with a bachelor's degree, who was paid in accordance with the 10-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.300 for the fiscal year ending June 30, 1995, and at an index of 1.336 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(7) An employee with a bachelor's degree plus 15 credits who was paid in accordance with the 10-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.373 for the fiscal year ending June 30, 1995, and at an index of 1.409 for the fiscal year ending June 30, 2000, and for subsequent fiscal years.

(8) An employee with a bachelor's degree plus 15 credits who was paid in accordance with the 11-year step for the fiscal year ending June 30, 1994, shall be paid at an index of 1.373 for the fiscal year ending June 30, 1995, and at an index of 1.409 for the fiscal year ending June 30, 2000, and for subsequent fiscal years."

**Section 28.** Amend §1305, Title 14, Delaware Code, by deleting the number "\$18,750" in the first sentence of §1305(b) and inserting the number "\$ 21,669".

**Section 29.** Section 27 and Section 28 of this Act shall be retroactive to September 1, 1999.

**Section 30.** Amend §1305, Title 14, Delaware Code, by deleting §1305(e) in its entirety and substituting in lieu thereof the following:

"(e) Beginning in fiscal year 2000, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 185 full work days to be utilized as follows:

- (1) 180 days devoted to actual school sessions for pupils;
- (2) 2 days devoted to start-up/closing;
- (3) 3 days devoted solely to professional development.

(f) Beginning in fiscal year 2001, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 187 full workdays to be utilized as follows:

- (1) 180 days devoted to actual school sessions for pupils;
- (2) 2 days devoted to start-up/closing;
- (3) 5 days devoted solely to professional development.

(g) Beginning in fiscal year 2002, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 189 full work days to be utilized as follows:

- (1) 180 days devoted to actual school sessions for pupils;
- (2) 2 days devoted to start-up/closing;
- (3) 7 days devoted solely to professional development.

(h) Beginning in fiscal year 2003, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 190 full work days to be utilized as follows:

- (1) 180 days devoted to actual school sessions for pupils;
- (2) 2 days devoted to start-up/closing;
- (3) 8 days devoted solely to professional development.

(i) The Department of Education with the approval of the State Board of Education may reduce the number of hours devoted to actual school sessions for pupils or educators for just cause or upon showing unusual circumstances.

(j) A full workday shall be defined by the Department of Education with the approval of the State Board of Education.



(k) Beginning in fiscal year 2001, local school districts shall provide a local salary supplement for each full workday in excess of 185 workdays. This supplement must be equal to or greater than the per diem local salary supplement in effect during this fiscal year 2000 for each grade and step. To the extent local school districts are unable to provide a local salary supplement, they may make application under subsection (i) of this section.

(l) In addition to the base salary derived from subsections (a) and (b) of this section, employees paid in accordance with this section shall be eligible to earn additional salary supplements for gaining skills and knowledge that lead to more effective instruction. The Professional Standards Board, with approval of the State Board of Education, shall designate through regulation the specific professional development activities and specific areas of skills and knowledge that an employee can undertake and/or obtain in order to receive a skills and knowledge supplement salary supplement. Said supplement shall be in the form of an additional salary amount spread evenly across an employee's contract period similar to base salary. The supplement shall be no less than 2% of the base salary derived from subsections (a) and (b) of this section and no more than 6% of this base salary, except as provided for in subsection (m) below. The Professional Standards Board, with approval of the State Board of Education, shall designate the specific percentage for each specific skills and knowledge supplement through the regulations promulgated to implement the provisions of this section, and such percentage shall be uniform across the state. Also, the Professional Standards Board shall, with approval of the State Board of Education, designate which of the supplements, if any shall be permanent, and which of the supplements, if any, shall require renewal or re-qualification on a periodic basis. The provisions of this subsection shall become effective in fiscal year 2001. The supplement outlined in this subsection are subject to an annual appropriation. Any funding for this subsection shall be provided for in the Department of Education annual budget.

(m) In addition to the base salary derived from subsections (a) and (b) of this section, any employee who has achieved certification from the National Board for Professional Teaching Standards or an equivalent program approved by the State Board shall receive a salary supplement equal to 12% of the base salary so derived. The Professional Standards Board, with the approval of the State Board of Education, may authorize stipends pursuant to this subsection in fiscal year 2000. Said supplement shall be in the form of an additional salary amount spread evenly across an employee's contract period similar to base salary. Funding for national board

certification outlined in this subsection are subject to an annual appropriation. Any funding for this subsection shall be provided for in the Department of Education annual budget.

(n) Any employee paid in accordance with this section may earn multiple salary supplements pursuant to subsections (l) and (m). All supplements are to be computed as a percentage of the base salary derived from subsection (a) and (b) of this section, and such percentages are not to be computed on a salary that includes a previously earned supplement amount.

(o) In addition to the base salary derived from subsections (a) and (b) of this section and any supplements provided pursuant to subsections (l) through (n) of this section, employees paid in accordance with this section shall be eligible to earn additional salary supplements for accepting additional responsibility assignments that impact student achievement. The Professional Standards Board shall have 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 can accept in order to receive a state funded salary supplement. Said supplement shall be in the form of an additional salary amount spread evenly across an employee's contract period similar to base salary. The supplement shall be no less than \$750 and no more than \$1,500. In addition to the state specified assignments designated by the Professional Standards Board and State Board pursuant to Chapter 12 of this Title, local school districts 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 can accept in order to receive this state funded salary supplement. Assignments designated pursuant to this section must be academic in nature and may not include extra-curricular activities or non-instructional supervisory responsibilities. The provisions of this subsection shall become effective in fiscal year 2001, except that the Professional Standards Board, subject to State Board approval, may, pursuant to Section 1203 of Title 14, authorize stipends for educator lead mentors in fiscal Year 2000. The supplement outlined in this subsection are subject to an annual appropriation. Any funding for this subsection shall be provided for in the Department of Education annual budget.

(p) In order to ensure that the professional development activities designated for remuneration in subsection (l), (m) and (o) of this section are of high quality and will lead to improvements in teacher effectiveness and improvements in student achievement, the Professional Standards Board, with the approval of the State Board of Education, will identify activities to be eligible for both the skills and knowledge and additional

responsibility supplements. Salary supplements defined in this Act shall not exceed fifteen percent of the state share for any employee covered by the provisions of this Act. The Standards Board shall annually review these supplements and promulgate and adopt recommendations pursuant to § 1203 of Title 14 as necessary.

(q) Beginning with fiscal year 2003, movement into the Bachelors plus 15 and Bachelors plus 30 columns on the salary schedule contained in subsection (a) of this section shall be approved only if the credits earned are matriculated graduate credits earned towards a Master's Degree. Beginning with fiscal year 2003, movement into the Masters plus 15, Masters plus 30, and Masters plus 45 columns on the salary schedule contained in subsection (a) of this section shall be approved if (1) the credits earned through a graduate-level course of study are clearly related to the individual's professional responsibilities and otherwise approved pursuant to Chapter 12 of this Title; (2) the credits are towards a second Master's Degree; or (3) if the credits earned are matriculated graduate credits earned towards a Doctorate Degree. No employee shall be moved leftward on the salary schedule contained in subsection (a) of this section due to the provisions contained in this subsection."

**Section 31.** Amend § 9219(a), Title 14, Delaware Code by striking the index schedule contained in said subsection in its entirety and inserting in lieu thereof the following:

**"SALARY PLAN A**

**DELAWARE TECHNICAL & COMMUNITY COLLEGE**

**INDEX SCHEDULE**

<b><u>Years Of Exp.</u></b>	<b><u>No Degree</u></b>	<b><u>Assoc. Degree</u></b>	<b><u>Bach. Degree</u></b>	<b><u>Bach. Degree Plus 15 Grad. Credits</u></b>	<b><u>Bach. Degree Plus 30 Grad. Credits</u></b>	<b><u>Mast. Degree</u></b>	<b><u>Mast. Degree Plus 15 Grad. Credits</u></b>	<b><u>Mast. Degree Plus 30 Grad. Credits</u></b>	<b><u>Mast. Degree Plus 45 Grad. Credits</u></b>	<b><u>Doctor's Degree</u></b>
0	0.900	0.960	1.000	1.040	1.080	1.120	1.160	1.200	1.240	1.260
1	0.926	0.986	1.025	1.065	1.105	1.146	1.186	1.226	1.266	1.286
2	0.950	1.011	1.050	1.089	1.130	1.170	1.210	1.250	1.290	1.311
3	0.957	1.014	1.052	1.090	1.140	1.180	1.219	1.258	1.297	1.316
4	0.964	1.019	1.055	1.091	1.152	1.190	1.228	1.265	1.303	1.322
5	1.001	1.055	1.091	1.128	1.164	1.200	1.237	1.273	1.310	1.328
6	1.037	1.091	1.128	1.164	1.200	1.237	1.273	1.310	1.346	1.364
7	1.074	1.128	1.164	1.200	1.237	1.273	1.310	1.346	1.382	1.401
8	1.110	1.164	1.200	1.237	1.273	1.310	1.346	1.382	1.419	1.437
9	1.146	1.200	1.237	1.273	1.310	1.346	1.382	1.419	1.455	1.473
10	1.155	1.237	1.273	1.310	1.346	1.382	1.419	1.455	1.491	1.509
11	1.155	1.246	1.310	1.346	1.382	1.419	1.455	1.491	1.528	1.546
12	1.155	1.246	1.319	1.382	1.419	1.455	1.491	1.528	1.564	1.582
13	1.155	1.246	1.319	1.391	1.455	1.491	1.528	1.564	1.600	1.618
14	1.155	1.246	1.319	1.391	1.464	1.528	1.564	1.600	1.637	1.655
15	1.155	1.246	1.365	1.410	1.501	1.564	1.600	1.637	1.673	1.691

16	1.155	1.246	1.374	1.419	1.510	1.600	1.637	1.673	1.710	1.728
17	1.155	1.246	1.374	1.419	1.510	1.609	1.646	1.682	1.719	1.737
18	1.155	1.246	1.374	1.419	1.510	1.609	1.646	1.682	1.719	1.737
19	1.155	1.246	1.374	1.419	1.510	1.609	1.646	1.682	1.719	1.737
20	1.155	1.246	1.374	1.419	1.510	1.637	1.682	1.728	1.773	1.819
21	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.783	1.828
22	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.783	1.828
23	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.783	1.828
24	1.155	1.246	1.374	1.419	1.510	1.646	1.692	1.737	1.783	1.828
25	1.155	1.246	1.374	1.419	1.510	1.682	1.728	1.773	1.819	1.864
26	1.155	1.246	1.374	1.419	1.510	1.692	1.737	1.783	1.828	1.873

## INDEX DERIVATION

Base = 1.00

The base salary for 10-month Plan A employees of Delaware Technical and Community College shall be calculated by using the salary amount specified for the Bachelor's Degree, 0 years experience amount from §1305(b) of this title divided by .7 to account for 100% State funding."

**Section 32.** Section 31 of this Act shall be retroactive to August 16, 1999 for Salary Plan A employees and retroactive to September 1, 1999 for Salary Plan D employees. A joint review of the pay plans and index for Salary Plans A and D shall be undertaken by representatives of Delaware Technical & Community College, the Office of the Budget and the Office of the Controller General to determine the College's ability to attract and retain qualified faculty consistent with the college's overall evaluation system. Findings and recommendations shall be made to the Joint Finance Committee by April 30, 2000.

**Section 33.** The Department of Education, in cooperation and consultation with the Professional Standards Board, shall annually identify budgetary issues of the Professional Standards Board for inclusion in the Department's annual budget request.

**Section 34.** For Fiscal Year 2001 and 2002, the Professional Standards Board and the State Board shall develop rules and regulations pursuant to § 1203 of Title 14 regarding skills and knowledge and leadership supplements and the rightward movement on the pay scale. In no event shall an educator be permitted to double count credits and/or other relevant coursework to benefit more than one salary scale or supplement.

**Section 35.** Amend §1301(2), Title 14, Delaware Code, by striking the period "." that appears at the end of this subsection and substituting in lieu thereof the following: "unless provided otherwise in this chapter."

**Section 36.** Amend §1312, Title 14, Delaware Code, by adding a new sentence to the end of subsection (a) that reads as follows: "Graduates of five-year pre-service programs that include an extensive clinical

component in the fifth year, or graduates of a four-year pre-service program that graduate with a Grade Point Average (GPA) of 3.75 or higher, shall be granted one year of experience in addition to any other experience granted in accordance with this section.” and by striking the date “June 30, 1998” as it appears in §1312(e) and replacing it with “June 30, 2001”.

**Section 37.** Amend § 1313, Title 14, Delaware Code, by deleting said section in its entirety and inserting in lieu thereof the following:

“A person may not be employed in any position requiring licensure and certification by a public school employer if the person does not meet licensure and certification requirements established pursuant to Chapter 12 of this title, except pursuant to a license extension and/or emergency certificate issued pursuant to Chapter. A person’s salary may not be reduced because he or she is employed under a license extension and/or emergency certificate.”

**Section 38.** Amend §1318(g), Title 14, Delaware Code, by deleting “1/185” as it appears therein and substituting in lieu thereof the following: “1/185 in the fiscal year beginning July 1, 1999; 1/187 in the fiscal year beginning July 1, 2000; 1/189 for the fiscal year beginning July 1, 2001; and 1/190 for the fiscal year beginning July 1, 2002; and each succeeding fiscal year,” and by deleting “1/204” as it appears therein and substituting in lieu thereof the following: “1/204 in the fiscal year beginning July 1, 1999; 1/206 in the fiscal year beginning July 1, 2000; 1/208 for the fiscal year beginning July 1, 2001; and 1/209 for the fiscal year beginning June 1, 2002 and each succeeding fiscal year.”

**Section 39.** Amend §1320, Title 14, Delaware Code, by deleting “1/185” as it appears therein and substituting in lieu thereof the following: “1/185 in the fiscal year beginning July 1, 1999; 1/187 in the fiscal year beginning July 1, 2000; and 1/189 for the fiscal year beginning July 1, 2001; and 1/190 for the fiscal year beginning July 1, 2002 and each succeeding fiscal year.”

**Section 40.** Amend §1703(j), Title 14, Delaware Code, by deleting “1/185” each place that it appears therein and substituting in lieu thereof the following: “1/185 in the fiscal year beginning July 1, 1999; 1/187 in the fiscal year beginning July 1, 2000; and 1/189 for the fiscal year beginning July 1, 2001; and 1/190 for the fiscal year beginning July 1, 2002 and each succeeding fiscal year.

**Section 41.** Amend §1705(a), Title 14, Delaware Code by inserting the words “all applicable” after the word “with” as it appears in the first sentence.

600           **Section 42.**       Amend §1716, Title 14, Delaware Code, by striking subsection (e) in its entirety and  
601 substituting in lieu thereof the following: “(e) The programs authorized under this section shall operate for the  
602 number of hours of employment as specified by §1305(e) of this title, and personnel employed with funds  
603 authorized under this section shall be paid in accordance with §1305 of this Title. Units may be used to fund  
604 extended year programs using a formula of 1 unit for each individual employed for the number of hours of  
605 employment as specified by §1305(e) of this title. School districts are also authorized to employ 2 service aides or 2  
606 instructional aides for each unit in lieu of 1 person employed under §1305 of this Title, provided that such aides are  
607 paid in accordance with the salary schedule contained in §1324 of this Title.”

608           **Section 43.**       Amend §1716A(g), Title 14, Delaware Code, by deleting the words “180 pupil days and  
609 185 employment days described in §1305(e)” and substituting in lieu thereof the following: “the full work days of  
610 employment as described in §1305(e)”.

611           **Section 44.**       Amend §2804(b), Title 14, Delaware Code, by striking the words “185-day work year at  
612 a daily rate equal to 1/185 per day of the state teacher salary schedule in effect” and substituting in lieu thereof “full  
613 work days of employment as defined in §1305(e) of this title at the daily rate defined in §1703 of this title”.

614           **Section 45.** Amend §1092, Title 14, Delaware Code by deleting “the Department with the approval of the  
615 State Board of Education” and substituting in lieu thereof “the Professional Standards Board and the State Board of  
616 Education pursuant to § 1203 of this title.”

617           **Section 46.**       Amend §154(c) Title 14, Delaware Code by striking the third sentence as it appears  
618 therein in its entirety and substituting in lieu thereof the following: “Biennial monetary awards in the amount of  
619 \$1,500 per Division I unit shall be made available to those schools which demonstrate superior absolute  
620 performance, improvement performance, or distributional performance. Schools may qualify for a monetary reward  
621 by meeting any of these three criteria, but in no case shall the school receive more than one monetary award per  
622 measurement cycle.”

623           **Section 47.**       Amend §154(c), Title 14, Delaware Code, by adding a new sentence at the end of said  
624 subsection to read as follows: "For purposes of this subsection, salary supplements may be considered a school  
625 improvement purpose.”.

626           **Section 48.**       The Budget Director and the Controller General shall have the authority to establish 3.0  
627 positions within the Department of Education and transfer funds to implement this Act from the State Budget Office,

Education Contingency Fund (10-02-04). Of the 3.0 general fund positions, 1.0 position shall be for an Executive Director for the Professional Standards Board, to be compensated at the education associate level, 1.0 position to serve as an Administrative Assistant to the Executive Director, and 1.0 position shall be for an Education Associate for the Department of Education to assist with the development and implementation of this Act.

**Section 49.** Amend § 10161(a), Title 29, Delaware Code by deleting the word “and” in § 10161(a)(45) and by renumbering current § 10161(a)(46) as § 10161(a)(47) and by inserting as new § 10161(a)(46) the following: “(46) The Professional Standards Board; and”.

**Section 50.** Any rules or regulations of the State Board of Education prior to the effective date of this act shall remain in full force and effect until otherwise modified in accordance with Delaware law; provided, however, that if any rule or regulation heretofore adopted directly conflicts with any of the provisions of this Act, the language contained in this Act shall prevail over that contained in such rule or regulation.

**Section 51.** Except in the areas of compensation already established, this Act shall Sunset on March 30, 2003, absent action of the General Assembly to the contrary.

**Section 52.** Notwithstanding any other provision, rule, regulation or law to the contrary, § 152 of Title 14 of the Delaware Code shall not be applied to deny any student a State of Delaware High School Diploma as a result of the failure of such student to pass any of the assessments required under the provisions of § 151(b) of Title 14 until the 10<sup>th</sup> grade tests are administered in 2004. Notwithstanding any other provision, rule, regulation or law to the contrary, § 153 of Title 14 of the Delaware Code shall not be applied to (a) deny any student matriculation, (b) deny any student academic promotion, or (c) require attendance in a summer school program as a result of the failure of such student to pass any of the assessments required under the provisions of § 151(b) or (c) of Title 14 any sooner than the years provided in the following schedule:

- (1) For the third grade – 2001;
- (2) For the fifth grade – 2002;
- (3) For the eighth grade – 2003; and
- (4) For the tenth grade – 2004.

**Section 53.** All compensation matters are subject to an annual appropriation by the General Assembly.

655           **Section 54.**       If any provision of this Act or application thereof to any person or circumstance is held  
656   invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without  
657   the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

#### SYNOPSIS

Recognizing that effective educators are critical to students' success, the Professional Development and Educator Accountability Act of 1999 establishes a system of licensure, certification, evaluation and professional development that seeks to improve the quality of classroom instruction for Delaware's children.

This Bill also phases in the State Student Testing Program's impact on graduation and promotion beginning with the third grade in 2001 and finishing with the tenth grade in 2004.

To guarantee that those entrusted with the achievement of our students have a voice in the development of policies that affect their profession, the bill establishes a Professional Standards Board which will propose rules and regulations in the areas of pre-service training, licensure, certification, recruitment, evaluation, and professional development. The Standards Board will be comprised of eight teachers, three administrators, two parents, one local board member and one representative from higher education -- each of whom shall be appointed by the Governor for three-year terms. The membership of the Board will be equally represented, to the highest degree practical, from the three Counties.

The State Board shall hear and consider the Standards Board's proposals and such proposals shall have the force of law when approved by the State Board of Education. The Act will Sunset on March 30, 2003 absent affirmative action by the General Assembly to the contrary.

The bill revises the licensure and certification system for Delaware educators in order to more clearly reflect the importance of professional development. The new three-tiered system will provide an Initial License for new educators, a Continuing License for experienced educators and an Advanced License for distinguished educators. Applicants for an Initial License will be required to have a college degree and pass basic skills and content level tests prior to teaching in Delaware. An Initial License is valid for three years and will lead to a Continuing License -- based on participation in mentoring and professional development activities, provided the applicant receives two out of three satisfactory annual evaluations. The Continuing License is valid for five years. Renewal of a Continuing License will require the completion of 90 hours of professional development -- more may be required by an individual's local improvement plan. An Advanced License is valid for 10 years and will be granted to National Board Certified educators.

The Delaware Performance Appraisal System (DPAS) is currently used statewide to evaluate educators. To more closely align that evaluation with the Delaware Teacher and Administrator Standards recently approved by the State Board of Education, this Act calls upon the Professional Standards Board to develop a new educator evaluation system (DPAS II) to present to the State Board for approval by spring of 2000.

Recognizing that an effective educator is the most significant factor in student achievement, the bill requires that the revised evaluation include a measure of student improvement. The measure of student improvement shall be based on multiple components, one of which shall be an annual assessment, if available, and shall take into consideration student absences, mobility, compliance with school rules and chronic failure by parents to abide by the Parents' Declaration of Responsibilities. Annual student assessments in reading, writing and math will be made available to districts in the spring of 2001. Local school districts shall have the flexibility to develop and implement local assessments.

The Professional Standards Board -- with State Board approval -- will design a rating index to designate an overall annual performance rating and will determine the level of performance that is satisfactory. If an educator's overall annual DPAS II evaluation is unsatisfactory, the district shall develop and assign an improvement plan which identifies deficiencies and professional development opportunities to remedy those deficiencies. A district shall also make recommendations for improvement if an educator's performance on an individual component of the evaluation is unsatisfactory. The Professional Standards Board -- with State Board approval -- shall define a pattern of



ineffective teaching as it relates to performance on the DPAS II. Upon full implementation of DPAS II in school year 2003, a pattern of ineffective teaching may become the basis for dismissal. Applicants to Delaware public schools will be required to disclose their three most recent annual evaluations.

To ensure that the Delaware Performance Appraisal System II is administered in a fair and equitable way statewide, the Standards Board will develop criteria -- to be approved by the State Board -- for the training and credentialing of evaluators. DPAS II will be field tested in school year 2000 – 2001 and shall be implemented statewide in school year 2001 – 2002. The Department of Education will be responsible for on going training and monitoring of evaluators.

This Act implements a new salary schedule for educators (including teachers, nurses, principals, superintendents, other administrative and supervisory employees and the Delaware Technical and Community College) on the 1305-pay schedule. This new schedule includes salary increases for both beginning and experienced educators. In addition, experienced educators will also have the opportunity to enhance their salary by acquiring certain skills and knowledge or by accepting additional academic responsibilities. This legislation also increases compensation through the addition of one professional development day in FY 2001, and two more such days in each of FY 2002 and FY 2003.

This Act substantially increases the monetary award contained within the school-based performance award section of the student and school accountability section of the Delaware Code enacted last year and makes it clear that salary bonuses are an acceptable usage of these funds.

Author: Sen. Sokola