



EARL G. JAQUES, JR.
STATE REPRESENTATIVE
27th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMITTEES
Education, Chair
Veterans Affairs, Chair
Joint Finance Committee
Appropriations

House Education Committee Meeting Minutes 1.29.2020

Chair Jaques called the meeting to order at 3:32 p.m. Members present included Vice-Chair Williams, and Reps. Matthews, Heffernan, Minor-Brown, Osienski, Chukwuocha, K. Johnson, Briggs King, Collins, Postles, Ramone, Shupe and Smith. For a list of guests present, please see the attendance list below.

Chair Jaques introduced Gary T. Henry, Dean of College of Education and Human Development, University of Delaware.

Dean Henry began presenting on improving preparation, recruitment, retention, and allocation of effective teachers in Delaware.

Page 1: Dean Henry discussed high quality teachers and their important role. He said that education policy and practice must focus on preparation, recruitment, retention, and equitable allocation of high-quality teachers. He explained that high-quality teachers are defined by teaching effectiveness as measured by value-added scores and observations. He discussed research demonstrating that students in poverty are less likely to receive instruction from teachers meeting these highly effective teachers.

Page 2: Dean Henry reviewed the value-added scores of teacher effectiveness, explaining that having a teacher at the 90th percentile of performance in elementary mathematics equates to students gaining 100 more days of schooling than those instructed by a teacher at the 10th percentile.

Page 3: Dean Henry explained that instruction from a teacher exceeding expectations the previous year precipitates improved performance the next year. He explained that teachers with high value added scores contribute to future performance. Students taught the previous year by teachers who exceeded expectations, compared to those taught by teachers who met expectations show greater performance in the same subject the next year, showing that this improves teachers' future effectiveness for those students.

Page 4: Dean Henry discussed the negative impact of teacher turnover on student performance and learning. He also added that schools with high concentrations of students living in poverty exhibit turnover rates 50-100 percent higher than other schools, which comes at the detriment of student learning, especially when turnover occurs during the school year. He added that these rates are increasing.

Page 5-6: Dean Henry reviewed a graph tracking student performance and turnover's effects on it, noting that teacher turnover later in the school year has a stronger negative effect on student achievement than turnover earlier in the year. He also explained that novice teachers tend to demonstrate lower performance, and more of them are employed in areas where higher poverty concentrations exist. He stated that alternative entry teachers tend to show higher turnover, except for Teach for America (TFA) teachers, who usually remain in their assignments for their duration.

Page 7: Dean Henry referred to a graph highlighting an increasing lack of teacher experience as a share of total currently employed teachers.

Page 8: Dean Henry explained that having higher-quality teachers in larger classrooms is preferable to smaller class sizes with lower quality teachers, which does not substitute for teacher effectiveness. Beyond an optimal point, class size reduction does not produce clear benefits for students. Hiring higher quality teachers, he said, has a larger positive educational impact.

Page 9-10: Dean Henry addressed the issue of state teacher shortages, particularly in science, technology, mathematics, computer science, and special education. He explained that actions to reduce the shortage are being identified and evaluated in order to determine the University of Delaware's role in improving this problem. He explained that he and the Dean of Arts and Sciences have formed a task force designed to address the issue of teacher shortages.

Page 11: Dean Henry discussed the demographics of teaching certifications given out at UD each year, and transitioned to a proposal to incentivize more of them to teach in state after certification. He emphasized the fact that teachers certified in Delaware but from out of state largely do not remain in state to teach, noting that 24 percent of non-Delaware completers teach in Delaware, and 25 percent teach neither in Delaware nor in their own home states. He also discussed requirements mandating teachers to major in the subject they teach, using an example of a math teacher having to major in math. He explained that evidence shows five to six courses are often suitable, but adding more often reduces performance as it limits course loads, limiting the amount of education they can receive in classroom management and human development. He added that these requirements sometimes deter students from the program, as a heavier

course volume can preclude honors program completion and other achievements, forcing potential teachers to choose between certification requirements and other academic aims.

Page 12: Dean Henry reviewed the main aims of the task force, which are to address:

- 1) If and how to initiate and sustain a preparation program for middle grades teachers.
- 2) The feasibility of extending and expanding UD's teacher preparation programs in Wilmington, and New Castle County, Kent, and/or Sussex Counties in a way that maintains the quality of UD's teacher preparation programs.
- 3) The best options for creating a single, visible source of information for potential students interested in UD's teacher preparation program and the teacher job market in Delaware.
- 4) The best alternatives for increasing the number of teachers that UD prepares in areas of shortage, including high school math and science, computer programming, and special education.

Page 13: Dean Henry discussed actions the state could take to reduce the shortage. He highlighted the fact that surrounding states are increasingly sending binding offers to candidates in January of their senior year. He explained that Delaware school districts experience greater difficulty in making these offers on the same time frame. He advocated for a model based on the Delaware Economic and Financial Advisory Council (DEFAC) in order to determine funding for schools earlier, allowing schools to retain teachers certified in state by making binding offers to them at the same time as out-of-state competitors.

Dean Henry also discussed "open contracts," which provide notice of employment, but do not specify placement until much later, which severely limits teacher preparation time. Getting rid of open contracts, he said, would help retain more teachers certified in Delaware. In addition, he advised mandating that voluntary teacher transfers be requested and confirmed for a following school year by February of the current year. This would prevent unanticipated teacher vacancies at individual schools.

Page 14-15: Dean Henry compared differences between starting teacher salaries in Delaware and surrounding states, such as New Jersey, which starts at almost \$10,000 higher. He emphasized that this disparity is compounded by student debt. He said that he strongly believes solving issues of teacher shortages must be addressed through legislation addressing the issues.

Page 16: Dean Henry explained the "Teaching Fellows Program," modeled after a similar existing model in North Carolina, which he explained produces capable teachers who perform well on previously mentioned measures of effectiveness. Offered to high-performing high school seniors, the program provides forgivable student loans. These loans are conditioned on spending a year teaching in an in-state school area for each year of scholarship benefits received. He explained that this program boosts retention of high quality teachers.

Chair Jaques thanked Dean Henry for his presentation and affirmed that the committee is willing to work with the task force to accomplish the aforementioned goals.

Dean Henry also introduced an expanded dual-enrollment program containing five courses which will be available to students in all high schools, in order to increase higher education affordability. He said that this policy will help address the teacher shortage as well as improve access to affordable college. Taking full advantage of the program, he explained, amounts to taking a semester's worth of college credits for free.

Chair Jaques thanked Dean Henry for the development of this policy.

Rep. Heffernan also thanked Dean Henry, but remarked that she feels education programs suffer from deficits. She noted explicit instruction in the science of reading and teaching students to read should be a subject of greater focus. She said she would be happy to work on integrating this focus more fully into education programs.

Dean Henry thanked her and expressed an interest in any advice on the subject. He also remarked that UD has received an A grade from the National Council on Teaching Quality for meeting all standards related to incorporating the science of reading into its elementary teacher preparation program.

Rep. Heffernan thanked Dean Henry for this information and announced her interest in looking at it.

Rep. Briggs King thanked Dean Henry for his presentation. She said she hopes that Delaware State and Wilmington Universities are accorded similar attention by the task force. She noted that these institutions are also instrumental in providing teachers to the state. She also explained that additional requirements for teachers accredited in Delaware contributes to shortages, as this deters them from coming to Delaware as opposed to other states. She also expressed the importance of recruiting minority teachers as well, in order to ensure inclusive instruction in classrooms. She also praised the renewal of teacher instruction programs in Sussex County, which had temporarily been stopped. She also stressed the importance of community teaching, in which teachers in areas such as Sussex County or the City of Wilmington live in the same communities they teach in. She urged Dean Henry to look beyond UD's campus when the task force devises solutions to the previously discussed problems.

Rep. Matthews thanked Dean Henry for his presentation and expressed interest in participating in the task force. He expressed skepticism that standardized scores are the best measure of performance and also remarked that Teach for America (TFA) teachers do leave after 3 years. He also explained that he has not heard the same concerns from teachers, including his colleagues, and said that he feels more attention should be devoted to what teachers actually have issues with. Rather than money alone, he said working conditions

need to receive more attention, as does the fact that students who struggle can create misleading impressions that their teachers are less effective.

Rep. Williams remarked that surrounding states with higher starting pay also exhibit higher costs of living. In addition, she raised issues with the low wages substitute teachers receive and the role access to child care can play in attracting more teachers into the workforce. She also explained that she doubts whether adding additional testing and hurdles for teachers to complete will attract them, specifically referring to teacher performance assessment. She explained that more hands-on instruction and field work shows strong teacher retention in the areas they worked during school. She referred to Wilmington University's residency program, which she said had produced strong data in support of this approach. She thanked Dean Henry for his presentation and time.

Rep. Collins asked whether the University teaching program includes explicit disciplinary instruction.

Dean Henry answered that training and preparation for social and emotional learning, as well as method classes, deal with classroom approaches for dealing with disruptions and distractions.

Rep. Collins thanked Dean Henry for his answer and noted the importance of discipline in education. He also said that the number of substitute days has doubled since last year, but that none of the substitutes in Sussex County are qualified to teach math, despite receiving longer assignments now.

Kristin Dwyer, director of legislation of the Delaware State Education Association, thanked Dean Henry for his presentation. She cited evidence showing that the value-added method is not a good measure of performance citing evidence in support of her claim. She also doubted the usefulness of standardized tests stating that performance is only tracked by teacher effectiveness, and ignores other factors such as surrounding environments and other students in the classroom. She also noted that value-added models are much less reliable when comparing schools with different conditions. Often, she said, these scores reflect who and where teachers teach more than how well they are teaching. She also explained that additional promises of greater compensation has failed to attract voluntary transfers to other schools in greater need of teachers, citing results of previous incentive programs.

Rochelle Wilson, a former high school and middle school teacher, explained that she had to jump through hoops to be certified, and worked as a substitute for 12 years as a result. She also objected to the term low-quality teacher, arguing that teachers would demonstrate higher quality if they were more highly paid. She also asserted that a restrictive and complicated certification process worsens shortages and lack of high-quality teachers, as she would be willing to work in a low-performing school but cannot due to lack of certification.

Rep. Smyk introduced HB 236, AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIMITATIONS ON USE OF SECLUSION AND RESTRAINT.

A motion was made by Vice-Chair Williams and seconded by Rep. Briggs King to reconsider HB236; motion carried. Yes=12 (Chair Jaques, Vice-Chair Williams, Reps. Smith, Postles, Collins, Briggs King, Osienski, Chukwuocha, Johnson, Matthews, Shupe, and Ramone); Absent=4 (Bolden, Kowalko, Lynn, and Hensley); No=2 (Minor-Brown, and Heffernan).

Rep. Smyk explained HA1 to HB 236, which was designed to address concerns raised during the last introduction of the bill. The bill, he explained, is intended to add constables to the list of those exempted from seclusion and restraint restrictions. He also explained that the amendment mandates constables obtain certification to work with students with disabilities. With permission from the Chair, he deferred to several witnesses to discuss the bill and its surrounding circumstances.

Michael Terranova, consultant for the Criminal Justice Institute of Wilmington University, discussed his experience training new and in-service constables. He explained that the constables' academy includes preparatory instruction and specifically emphasized the training for de-escalation with special populations. He stated that the continuing training is done once a year.

Rep. Smyk thanked him and emphasized the importance of annual in-service training.

Lt. Charles Sawchenko of the Delaware State Police explained his responsibility for tactical de-escalation training, which includes special population and intellectual disabilities training. He explained that this is applicable to learning disabilities and those with autism-spectrum disorder.

Rep. Smyk thanked Lt. Sawchenko.

Preston Lewis, Administrator of Student Services, Indian River School District, explained the program he started in 2014. He said the district employs 21 constables. He discussed the role the constables employ play, and expressed support for the bill.

A.J. Nowell, Public Safety Director, Red Clay School District, described how he oversees the constables in his district. He noted that the constables are positive community role models who not involved in discipline issues, but may be needed in emergency situations. He expressed support for the bill.

Jeffrey Hale, Lead Constable, Colonial School District explained that adding constables seemed preferable to adding more police officers to the district. He said that the District's safety protocol was expanded after 2017's school shootings. He noted that the

constables are all former police officers, which is required by the District, and are an added resource for the students who they maintain personal relations with. He supported the bill, saying that some situations warrant interventions incorporating restraint, such as handcuffing. He said that this is not desired, but may in some situations be necessary.

Rep. Smyk stated that, while police officers are not needed in schools en masse, the expansion of constables' roles provides needed protection without spending excessive funds or relegating police officers to schools. He emphasized that de-escalation is a primary focus. He also explained that the bill adds legal protection for constables in situations where they need to physically intervene. He also emphasized that their training covers instances in which physical restraint is necessary, stating that constables know to deescalate when the threat has been reduced. Rep. Smyk asked if all of the three districts' constables' are retired law enforcement officers.

All three of the witnesses said that all of the constables in their respective districts are retired law enforcement officers.

Rep. Smyk explained that this is reassuring, and made the committee aware of the legal restrictions of constables, making them less likely to intervene physically, and liable legally if they do so without statutory authorization.

Chair Jaques asked whether constables have arrest powers.

Rep. Smyk referred the question to Mr. Terranova, who confirmed; they do have full arrest powers statewide.

Vice-Chair Williams asked whether all constables in the state have former law enforcement experience.

Rep. Smyk referred the question to Mr. Terranova.

Mr. Terranova answered that the majority of those in schools do have former law enforcement experience, but that all are required to complete a 5 week academy program. He noted that not all districts' constable forces are all composed of former law enforcement officers, though the constables at the three districts represented at the hearing are.

Vice-Chair Williams asked whether constables carry firearms in schools.

Mr. Terranova said yes, so long as they go through the training program state police officers are required to go through.

Vice-Chair Williams asked whether this rule differs for constables in schools who are not former law enforcement officers.

Mr. Terranova said that they must satisfy the same requirements in their mandated training program.

Vice-Chair Williams read descriptions of the different training programs, emphasizing the difference in rigor of the training programs. She noted that these descriptions say constable training is less in depth than that of police officers, who also have stricter postsecondary education requirement. She noted the difference in hours between constable training and police training, and also devoted attention to the fact that not all constables are permitted to carry firearms. She asked Mr. Terranova if this description was accurate.

Mr. Terranova confirmed this is the case.

Rep. Smyk explained that training is segmented, and that training on firearm use for constables meets the same standards as that for state police officers. He asked whether Lt. Sawchenko's constables are meeting the same requirements as state police officers.

Lt. Sawchenko confirmed this is the case.

Vice-Chair Williams asked whether constable training would fulfill the same requirements that School Resource Officers (SROs) receive.

Rep. Smyk said that he hopes the curriculum constables receive maintains continuity with the Delaware Code.

Vice-Chair Williams asked whether any other specific aspects of training need to be added, saying that she would prefer to spend more time consulting to ensure nothing is left out of the bill before it is released from committee.

Rep. Smyk said he is willing to work with Vice-Chair Williams and finding other possible points to note, proposing that time be devoted to exploring this before voting on the bill.

Rep. Minor-Brown asked Mr. Terranova what the cultural sensitivity component of the program looks like, saying she had not seen one.

Rep. Minor-Brown recalled an incident involving her child getting very upset in preschool, after a teacher he was very close with left. She explained that already existing racial disparities, as well as her own experiences, make her hesitant to support the bill. The level of restraint that may be used on students of color, she said, concerns her.

Rep. Matthews said he hopes that constable training includes Crisis Prevention Institute (CPI) procedures, which constables in his district all take. He also said that in his school he has not seen constables act in a disciplinary or restraining manner in his own

experience. He also added that many situations can be deescalated with dialogue, which can be very effective and prevent escalation.

Rep. Ramone asked Mr. Terranova what portion of total constables in the state are not retired officers.

Mr. Terranova said he was not sure, but said there are 288 constables in total.

Chair Jaques noted only 61 of these 288 are in schools.

Mr. Terranova confirmed this is the case, but does not know the composition of which are retired police officers.

Rep. Ramone asked if the bill could be amended to state that any new constables must have a previous police background or undergo the same degree of training.

Rep. Osienski said that he does not think the full scope of an officer's curriculum is applicable to constables' responsibilities. He said that having them meet the qualifications of School Resource Officers would be acceptable.

Rep. Briggs King remarked that the initial aim of the constable program is to protect all students and improve school environments and safety. She said other law enforcement departments, such as parole and probation, also include qualified people, and should not be restricted by former officer mandates. She also stated that retirement requirements could also deter younger workers from entering these positions. She noted that dealing with trauma is an essential part of protecting students.

Rep. Chukwuocha discussed how SROs without proper training may not adequately deal with trauma and its effects. He recalled the fact that many students living in areas with high poverty and crime received more charges in school than out of it, partially as a result of officers being unprepared to deal with the impact of trauma on behavior. He also noted that restraint and seclusion procedures may not be included in training to deal with these circumstances, or individual behavior plans.

Chair Jaques asked Mr. Terranova if training includes seclusion and restraint procedures.

Mr. Terranova said that seclusion does not have its own training in the constable academy, but that restraint tactics are reviewed in 8 hour blocks, including handcuffing and use of pepper spray.

Mr. Hale said all constables in Colonial School District are CPI trained, and that restraint and seclusion are only used as a last resort, after CPI options have been exhausted.

Rep. Chukwuocha explained that he was concerned by seclusion plans possibly contradicting with students' Individual Education Plans or accommodations.

Rep. Smyk noted that training is being revamped, as constables' responsibilities have only recently been extended to schoolwork.

Mr. Terranova said that program development has been ongoing for 2 ½ years. He added that alert training is also being added.

Rep. Smyk asked what alert training is.

Mr. Terranova said that this is active shooter training. He said this was the initial impetus for expanding constables' responsibilities, which has led to plans to holistically revamp training to ensure protection for special populations. He noted that preventing shootings or others attacks required changes to constables' roles, so as to avoid their being held liable for physically intervening if necessary, but added that he was not speaking for other districts in that regard.

Vice-Chair Williams asked how districts conduct School Resource Officer training.

Mr. Lewis said that the training for restraint and seclusion is mandated to be conducted every 3 years, as mandated by the Department of Education. He also added that he also holds another day of training each year with the Director and Supervisor of the District's special education program. He also added that he schedules training for in-service days, and explained that this includes annual handcuffing training as well as CPI training with local police officers certified in this training. He also stated that School Resource Officer training can be expanded for any constable training mandates in order to protect them from liability in instances where present threats must be stopped.

Vice-Chair Williams expressed concern, saying that some behaviors law enforcement officers associate with threats or illegality may appear for different reasons in students with disabilities. She explained that the training procedures outlining these issues are not currently required for constables, that many school districts have policy variations, and that a lack of consistent standards and regulations is a cause for concern. She said that she is not currently willing to support given that the amendment has just been introduced but would be open to it after later clarification.

Jennifer Cinelli Miller announced opposition to the bill. She said that the American Academy of Childhood and Adolescent Psychiatry defines seclusion as the involuntary confinement of a person alone so that the person is prevented from leaving, and defines restraint as the involuntary immobilization of a person through the use of chemical, physical, or mechanical needs. She said that she does not see

this as acceptable in schools, as constables are defined as peace officers with limited policing authority. She said that current job requirements for constables does not include education and special needs training. While the concern over shooting is valid, she said that this solution can easily endanger students, and that behavioral specialists should be retained instead. She added that money would be better spent on funding for mental health professionals and experts.

Director of Policy and Family Services Annalisa Ekblade of Autism Delaware said that students in the state with autism experience disproportionately high rates of restraint and seclusion in the state. She emphasized that the level of training devoted to special needs specifically needs to be greater. She urged the legislature to exercise caution in expanding restraint and seclusion powers to be used on students.

Bill Dolittle explained that he played a role in drafting the initial bill and establishing the National Parent-Teacher Association's seclusion and restraint policies. Citing his experience with these issues, he stated that he is against the bill and thinks it will cause harm to children, even if amended. He said the training does not meet the standard intended in the original bill, and that he supports working with the sponsors when the bill is in a more developed form, but expressed that it should not leave committee until it is improved.

Kristin Dwyer, director of legislation of the Delaware State Education Association (DSEA), expressed support for the bill, noting that violence often occurs and students, teachers, and staff need protection from it. She said that educators have filed over 1,300 complaints regarding offensive touching by students, a fourth of which required hospital stays. She said that having every professional maintain awareness of every student's individual education plan (IEP) or 504 plan is unrealistic due to the high number of these plans. She said that a common sense approach to safety is necessary. She said that DSEA also supports increased funding and staffing for mental health resources in schools.

Secretary Susan Bunting of the Delaware Department of Education said that she philosophically supports the bill but needs more questions answered before supporting its passage.

A motion was made by Rep. Minor-Brown and seconded by Vice-Chair Williams to table HB 236; motion carried. Yes=11 (Chair Jaques, Vice-Chair Williams, and Reps. Minor-Brown, Osienski, Chukwuocha, K. Johnson, Briggs King, Collins, Postles, Ramone, and Smith); No=0; Absent=7 (Shupe, Heffernan, Matthews, Bolden, Kowalko, Lynn, and Hensley).

Chair Jaques adjourned the meeting at 5:17 p.m.

Respectfully submitted by: Steven Mirsen, Legislative Fellow.

Speaker List

Jennifer Cinelli Miller, Parent

Annalisa Ekblade, Director of Policy and Family Services, Autism Delaware.

Kristin Dwyer, Director of Legislation, Delaware State Education Association.

Wendy Myers, Delaware State Police, Bureau of Identification, Professional Licensing.

Bill Dolittle, volunteer advocate for children at risk and IDA panel member.

Michael Terranova, Consultant for the Criminal Community College Instructional Director of Criminal justice, Social Sciences and Fire Engineering. Justice Institute at Wilmington University and former Delaware Technical Community College Instructional Director of Criminal justice, Social Sciences and Fire Engineering.

Charles Sawchenko, Lieutenant, Delaware State Police.

Preston Lewis, Administrator of Student Services, Indian River School District

A.J. Nowell, Public Safety Director, Red Clay School District.

Jeffrey Hale, Lead Constable, Colonial School District.