

## **Senate Education Committee Meeting**

**Official Minutes  
151<sup>st</sup> General Assembly  
First Session**

**Committee Meeting  
Tuesday, June 22, 2021  
11:30 a.m.  
Virtual Zoom Meeting**

### **Meeting Attendance**

#### **Committee Members:**

#### **Present:**

Senator Laura Sturgeon	<a href="mailto:Laura.Sturgeon@delaware.gov">Laura.Sturgeon@delaware.gov</a>	302-744-4135
Senator Elizabeth Lockman	<a href="mailto:Elizabeth.Lockman@delaware.gov">Elizabeth.Lockman@delaware.gov</a>	302-744-4168
Senator David Sokola	<a href="mailto:David.Sokola@delaware.gov">David.Sokola@delaware.gov</a>	302-744-4139
Senator Ernesto Lopez	<a href="mailto:Ernesto.Lopez@delaware.gov">Ernesto.Lopez@delaware.gov</a>	302-744-4136

#### **Staff:**

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Valerie McCartan	<a href="mailto:Valerie.McCartan@delaware.gov">Valerie.McCartan@delaware.gov</a>	
Rebecca Calvello	<a href="mailto:Rebecca.Calvello@delaware.gov">Rebecca.Calvello@delaware.gov</a>	

#### **Attendees:**

#### **Email:**

#### **Organization:**

Dr. Tammy	Croce	<a href="mailto:tjcroce@edasa.org">tjcroce@edasa.org</a>	DASA
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Carrie	Cole	<a href="mailto:carrie.cole@byrdgomes.com">carrie.cole@byrdgomes.com</a>	ByrdGomes
Kim	Klein	<a href="mailto:kimberly.klein@doe.k12.de.us">kimberly.klein@doe.k12.de.us</a>	DOE
Kristin	Dwyer	<a href="mailto:kristin.dwyer@dsea.org">kristin.dwyer@dsea.org</a>	DSEA
Jenna	Ahner	<a href="mailto:jenna.ahner@sbe.k12.de.us">jenna.ahner@sbe.k12.de.us</a>	State Board of Education
Cara	Wilson	<a href="mailto:cara.wilson@delaware.gov">cara.wilson@delaware.gov</a>	Division of Research

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Alexa	Adams	<a href="mailto:alexa.adams@delaware.gov">alexa.adams@delaware.gov</a>	State Senate
Kathleen	Rutherford	<a href="mailto:kruther4d@gmail.com">kruther4d@gmail.com</a>	public
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Steve	Jones	<a href="mailto:Jonsey75@comcast.net">Jonsey75@comcast.net</a>	Public
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Kevin	Fitzgerald	<a href="mailto:kevin.fitzgerald@cr.k12.de.us">kevin.fitzgerald@cr.k12.de.us</a>	Caesar Rodney School District
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**Agenda:**

HS 1 for HB 54  
 HB 163 w/ HA 1  
 HB 202  
 HB 207

**Senator Sturgeon** convened the meeting at 11:35 a.m.

**I. HS 1 for HB 54 (Chukwuocha) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO OPTIONAL MID-YEAR UNIT COUNT.**

***Synopsis:** This Act establishes an optional mid-year unit count and associated funding provisions. School districts and charter schools that elect to participate in the optional mid-year unit count shall receive state financial support for each additional unit, or fraction thereof, in an amount determined by the annual Appropriations Act.*

**Representative Nnamdi Chukwuocha** introduced the bill and read in its synopsis. He noted that the fiscal note had ultimately been deemed to be undeterminable.

**Sen. Sturgeon** spoke favorably of the bill, drawing on her experience as an educator and mentioning the lack of flexibility accompanying a lack of a mid-year unit count. She asked for further explanation of how the funding mechanism for the bill would work.

**Jill Floore** of the Red Clay Consolidated School District said that the legislation provided different mechanisms for different circumstances, e.g. someone moving from one district to another.

**Sen. Sokola** thanked Ms. Floore for her explanation. He asked where in the bill the appropriated money for districts getting more money after the September 30<sup>th</sup> unit count was mentioned. **Jill Floore** read the portion of the bill mentioning this, stating that the funds would come from the annual appropriations act.

**Sen. Sokola** asked what would happen in a situation where a significant number of students who did not show up to school by September 30<sup>th</sup> due to the COVID-19 pandemic showed up before the January 30<sup>th</sup> period. **Jill Floore** stated that the money for those students should have been in that year's appropriations act, thus negating any need for new funding.

**Sen. Lockman** expressed support for the legislation and requested to be added as a cosponsor.

**Sen. Sokola** asked to hear from **Secretary Susan Bunting** on the legislation.

**Secretary Susan Bunting** said that the DOE's biggest concern with the bill was that nothing had been appropriated for it this year.

**Kim Klein** echoed this concern, saying that there could be an overcount of units in the event of students switching district mid-year.

**Sen. Sturgeon** asked for clarification on the role of unit-counting by the DOE. **Kim Klein** said that the DOE helped administer the unit-counting process and its certification. She said that they had estimated the cost of modifying their existing systems to be \$30,000 as a one-time expense. **Sen. Sturgeon** noted the state's budget surplus as a potential means of funding this.

**Matthew Burrows** said that the bill was the product of 4 years of work with OMB and the Controller General's office. He said that the bill was necessary to remediate excessive costs on local district budgets. He urged the passage of the legislation.

**Sen. Sokola** asked Sec. Bunting if the DOE had any data on how many units were appropriated over the last 5 years and how that compared to the actual number of units that were calculated on September 30<sup>th</sup>. He said that the number should have been ready with the bill before its second committee hearing. He said he wanted it by tomorrow. **Sec. Bunting** said she did not have it could get it within the hour.

**Sen. Sturgeon** opened the floor to public comment.

**Robert Overmiller** said that the bill was complicated and he was concerned that it wasn't fully thought through.

**Representative Kim Williams** spoke in favor of the legislation and Rep. Chukwuocha. She noted that DOE has a billion dollar budget and that it could use some of those funds to help fund the legislation. She noted that the bill had been rewritten to avoid the problem of double-counting students.

**Dr. John Marinucci** spoke in favor of the legislation on behalf of the Delaware School Boards Administration.

**Mary Nash Wilson** said that the Office of Management and Budget had concerns about the fiscal impact of the bill to the state.

Kendall Massett spoke in favor of the bill on behalf of the Delaware Charter Schools Network.

**HS 1 for HB 54 was reported out of the Committee: 1 Favorable; 3 on its Merits; 0 Unfavorable**

With a sufficient quorum now being present, the Committee approved the meeting minutes of June 15, 2021.

II. **HB 163 w/ HA 1 (Wilson-Anton) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL ATTENDANCE AND RELIGIOUS HOLIDAYS.**

**Synopsis:** The Delaware Code does not currently contain any explicit direction for public schools relating to school absences for observance of religious holidays. This Act requires schools to excuse a pupil's absence for observance of a religious holiday, and further requires districts and charters to have a policy discouraging teachers from scheduling tests, presentations and the like on days where some students may be absent for a religious holiday. A pupil who does miss a grading event must be allowed to make-up the test or otherwise recover credit. The Department of Education is directed to promulgate rules and regulations relating to implementation of this Act, including a list of holidays on which an absence for religious observance must be excused.

Senator Sturgeon read the synopsis of the bill and spoke favorably of it as the Senate prime sponsor. She noted that the list written by the DOE would not be exhaustive or exclusive.

Sec. Bunting expressed support for the bill on behalf of DOE.

Sen. Sokola asked Sec. Bunting if the state had a policy where the state test was not held on religious holidays. Sec. Bunting said that there was a large window of when the state testing could be held but said that as a superintendent she had worked to try and accommodate students from all backgrounds.

Sen. Sturgeon opened the floor the public comment.

Kristin Dwyer spoke in favor of the bill on behalf of the DSEA.

**HB 163 w/ HA 1 was reported out of the Committee: 1 Favorable; 3 on its Merits; 0 Unfavorable**

**III. HB 202 (Williams) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DEVELOPMENTAL SCREENING.**

**Synopsis:** This Act is designed to increase the opportunity for Delaware children to undergo developmental screening with a research-based screening tool at an early age in order to identify children who may be eligible for Early Intervention or special education services. It requires any applicant for a license or renewal of a license to operate a child care facility on or after July 1, 2023 to commit that each child between the age of birth and 5 years old (who has not yet entered kindergarten) enrolled by the child care provider will undergo developmental and social emotional screening. The screening mechanism to be used is the screening system approved by the Department of Education and will be administered by the parent or guardian of the child seeking to be enrolled in the child care facility. This Act permits an operator of a child care facility at a YMCA to be appointed to the Provider Advisory Board, changes references from “day care” to “child care” in the existing law and makes other changes consistent with the Legislative Drafting Manual.

**Representative Kim Williams** introduced the bill and spoke in favor of it as its prime sponsor. She noted that the bill was a recommendation of the Redding Consortium. She said that DOE was supportive of the bill.

**Sen. Lockman** thanked Rep. Williams for sponsoring the bill.

**Sec. Bunting** said that DOE was strongly in favor of the bill.

**Cindy Brown** reiterated DOE’s support of the bill.

**Sen. Sturgeon** opened the floor for public comment.

**Kathleen Baker** spoke in favor of the legislation on behalf of the League of Women Voters.

**Diane Frentzel** spoke in favor of the bill on behalf of Delaware Readiness Teams.

**Dawn Alexander** spoke in favor of the bill.

**Sen. Sturgeon** asked Rep. Williams if any early education centers expressed concern about the cost of screening. **Rep. Williams** deferred to Cindy Brown of the DOE to answer. **Cindy Brown** said the screening was administered via pen and paper through parents and that each screening cost fifty cents.

**HB 202 was reported out of the Committee: 1 Favorable; 3 on its Merits; 0 Unfavorable**

**IV. HB 207 (Williams) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO YEAR-LONG TEACHER RESIDENCY PROGRAMS.**

**Synopsis:** This Act does the following: (1) Removes the requirement that applicants for initial and continuing educator licenses obtain a passing score on an approved performance assessment. (2) In place of the performance assessment requirement, requires professional development and mentoring activities include a focus on acquisition of pedagogical knowledge and the ability to apply that knowledge to meet student needs and requires the Department of Education (Department) to establish a committee of stakeholders to gather input and make recommendations on how to achieve professional development and mentoring activities that satisfy the requirements. (3) Removes requirements related to performance assessments, including reporting requirements and rulemaking requirements, from Chapter 12 of Title 14. (4) Allows individuals who serve in educator roles that are not teaching positions to receive their Delaware educator license by changing "teaching experience" to "experience as an educator" in § 1210(d) of Title 14 and § 1211(c) of Title 14. (5) Requires the Department to ensure there are a variety of professional development opportunities across different modes that meet a high standard of quality, including evidence-based programs. (6) In place of the performance assessment requirement for participants in alternative routes for teacher licensure and certification programs and participants in alternative routes to certification programs for teachers of students with disabilities, requires an assessment of program participants' abilities to apply pedagogical skills to meet the needs of students and requires the Department to establish a committee of stakeholders to gather input and make recommendations on how to assess the pedagogical skills of program participants. (7) In place of a performance assessment requirement, requires that educator preparation programs assess prospective educators' ability to apply pedagogical skills to meet student needs and requires the Department to establish a committee of stakeholders to gather input and make recommendations on how to assess the pedagogical skills of program participants. (8) Makes corrections, including standardizing references to the educator evaluation system and changing "certificate" to "license" in places where improperly used. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

**Representative Kim Williams** introduced the bill as its prime sponsor and read out its synopsis.

**Sen. Sturgeon** stressed the need for increased retention of teachers and concurrently expressed support for the bill. Rep. Williams thanked Sen. Sturgeon for her comments and her appreciation for her and Sen. Sokola's input on the bill.

**Sec. Bunting** expressed support for the bill on behalf of DOE.

**Jon Neubauer** reiterated DOE's support for the bill and thanked the bill's sponsors.

**Sen. Sturgeon** opened the floor to public comment.

**Jason Cameron** spoke in favor of the bill on behalf of DASPA.

**Dr. Tammy Croce** spoke in favor of the bill on behalf of DASA and thanked the bill's sponsors.

**Dawn Alexander** spoke in favor of the bill.

**Kristin Dwyer** spoke in favor of the bill on behalf of the DSEA.

**Patrik Williams** of the Smyrna School District spoke in favor of the bill.

**Dr. John Marinucci** spoke in favor of the bill on behalf of DSBA.

**HB 207 was reported out of the Committee: 1 Favorable; 3 on its Merits; 0 Unfavorable**

**Senator Lockman** motioned to adjourn the meeting and **Senator Sokola** seconded the motion.

**Senator Sturgeon** adjourned the meeting at 12:53 p.m.