

Senate Executive Committee

152nd General Assembly

Wednesday, June 7, 2023

Senate Chamber/Virtual Meeting

3:47 p.m. - 4:42 p.m.

Committee Members Present:

Senator David P. Sokola
Senator Bryan Townsend
Senator S. Elizabeth Lockman
Senator Sarah McBride
Senator Marie Pinkney
Senator Gerald W. Hocker
Senator Brian Pettyjohn

David.Sokola@delaware.gov
Bryan.Townsend@delaware.gov
Elizabeth.Lockman@delaware.gov
Sarah.McBride@delaware.gov
Marie.Pinkney@delaware.gov
Gerald.Hocker@delaware.gov
Brian.Pettyjohn@delaware.gov

Other Legislators Present:

Senator Laura V. Sturgeon

Laura.Sturgeon@delaware.gov

Staff:

Valerie McCartan, Senate
Kiki Evinger, Senate
Abdulrasheed Dawodu, Senate

Valerie.McCartan@delaware.gov
Kathryn.Evinger@delaware.gov
Abdul.Dawodu@delaware.gov

Attendees:

Appendix A contains a list of members of the public pre-registered for the meeting webinar and those who signed the in-person sign-in sheet

Agenda

Approval of May 17th Meeting's Minutes

SB 149 – SA 1

SB 161

SB 163

Introduction

Senator Sokola commenced the meeting and reviewed the hybrid meeting protocol. He proceeded to conduct a roll call and verified quorum was reached. He explained the meeting structure and the order in which comments would be taken from the committee members and the members of the public.

- I. Senator Sokola entertained a motion to approve the committee's May 17th meeting minutes. Senator McBride made a motion, and Senator Pettyjohn seconded it. With no objection from members of the committee, the minutes were approved.

II. Senate Bill 149 with Senate Amendment 1 (Sokola): AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

Synopsis: This Act would move the 2024 presidential primary election for major political parties from the fourth Tuesday in April to the first Tuesday of April.

Senator Sokola explained that SB 149 moves the 2024 presidential primary election for major political parties from the fourth Tuesday in April to the first Tuesday of April. Additionally, Senator Sokola mentioned that the amendment made to SB 149 provides an exemption for early-voting locations for presidential elections, allowing them to remain closed on the Sunday preceding the election day.

Senator Sokola asked if any members of the committee or members of the public had any questions or comments on the bill.

Robert Overmiller expressed his support for the bill.

Senator Sokola circulated the bill backers among the committee members for signatures.

SB 149 – Reported out of the Committee: 0 Favorable; 7 On its Merits (Sokola, Townsend, Lockman, Pettyjohn, Hocker, Pinkney, McBride); 0 Unfavorable

III. Senate Bill (Sokola): AN ACT TO AMEND TITLE 29, CHAPTER 90D OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF HUMAN RESOURCES.

Synopsis: This Act does all of the following: (1) Creates a Director of Classification/Compensation and Talent Acquisition and a Director of Training and Human Resource Solutions. (2) Changes the name of the Director of Personnel Management to Director of Talent Management. (3) Directs the Director of Talent Management to assume a central leadership role for the development and maintenance of the Department of Human Resources. (4) Renames the Division of Diversity and Inclusion to the Division of Diversity, Equity and Inclusion. (5) Renames the Division of Labor Relations and Employment Practices to the Division of Employee and Labor Relations. (6) Renames the Division of Statewide Benefits to The Division of Statewide

Benefits and Insurance Coverage. (7) Removes references to the Blood Bank due to lack of State participation with the program. (8) Increases membership within the Commission for Women and the Delaware Women's Hall of Fame Committee. (9) Expands the duties and role of the Delaware Commission for Women to subsume the responsibilities of the Delaware Women's Workforce Council. (10) Removes the statutory language creating the Delaware Women's Workforce Council. (11) Establishes The Division of Classification/Compensation and Talent Acquisition and the Division of Training and Human Resources Solutions with its associated powers, duties, and functions. (12) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Senator Sokola invited Jennifer Bredemeier, the Deputy Secretary of the Delaware Department of Human Resources (DHR), to give an overview of the bill.

Dep. Secretary Bredemeier explained that SB 161 changes the names of certain divisions and personnel within DHR to reflect updated terminologies used in the field of Human Resources. For example, the title of Director of Personnel Management is changed to Director of Talent Management. The bill also renames the Division of Diversity and Inclusion to the Division of Diversity, Equity, and Inclusion.

Senator Sokola asked if any members of the committee or members of the public had any questions or comments on the bill.

Robert Overmiller expressed his support for the bill and appreciated Senator Sokola for sponsoring it.

Senator Sokola moved on to the next item on the agenda, SB 163.

SB 161 – Reported out of the Committee: 0 Favorable; 7 On its Merits (Sokola, Townsend, Lockman, Pettyjohn, Hocker, Pinkney, McBride); 0 Unfavorable

IV. Senate Bill 163 (Sokola): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

Synopsis: This bill updates the State's charter school law to codify the original intent of charter school flexibility. More specifically, the bill provides charter schools the ability to hire the leaders they deem beneficial to the success of the school's educational program and the needs of students and staff. The bill creates new subsections in Section 507(c) of Title 14 of the Delaware Code to define the licensure and certification requirements more clearly within Chapter 5 of Title 14. Finally, the bill requires the Secretary of Education to work with the Delaware Charter Schools Network to create a qualified alternative licensure and certification pathway for charter school administrators engaged in the instruction of students (Instructional Administrators).

Senator Sokola explained that SB 163 provides charter schools the ability and flexibility to hire the leaders they deem beneficial to the success of their schools and educational programs, leaders who meet the needs of their students and staff. Senator Sokola provided background information on the bill by referencing Chapter 5 of Title 14, which outlines the legislative intent of charter schools. This chapter allows community members to establish and operate independent public schools that are largely exempt from state and school district regulations, as long as they fulfill the requirements outlined in the chapter. The requirements include meeting measurable standards for student performance through innovative teaching environments and methods. Additionally, the chapter addresses the funding system and guidelines applicable to charter schools. Senator Sokola proceeded to explain Chapter 12 of Title 14 regarding the Professional Standard Boards of Charter Schools and the composition of their committees and members. He explained that the chapter establishes a professional development system through licensure, certification, and evaluation to improve the quality of instruction for Delaware's children so that they can thrive in a dynamic and global economy. Furthermore, the chapter acknowledges the role of competent educators in the achievement of students and emphasizes the importance of granting educators a voice in shaping policies that impact their profession. Senator Sokola provided a list of the members comprising the Professional Standard Boards. He emphasized that Chapter 5 in Title 14 of the Delaware Code grant the Professional Standard Boards the flexibility to develop their own policies pertaining to their profession, with the aim of benefiting their schools and students. He concluded by clarifying that the Professional Standard Boards focus on performance, not compliance. Senator Sokola asked if any members of the committee had any comment on SB 163.

Senator Lockman voiced concerns about potential accountability gaps that may arise from SB 163. Despite acknowledging the flexibility offered to the operations of the charter school's professional boards, she highlighted the importance of addressing any potential issues related to accountability.

Senator Sokola clarified that accountability measures for each charter school are determined based on the unique nature of the services offered by the school. He proceeded to public comments.

Casey Montigney, Chair, Delaware Professional Standards Board ("PSB") voiced her opposition to the bill. She highlighted that while Delaware law includes the provisions for granting waivers for licensure and certification, SB 163 imposes the requirement that the Secretary of Education must grant these waivers. She pointed out that this conflicts with the provision in Chapter 12 of Title 14, which grants the PSB authority over licensure and certification for public school educators, not the Secretary of Education. She expressed PSB's dissatisfaction with the idea that unlicensed and uncertified leaders can contribute to higher student achievement. She also raised concerns about the exclusion of charter teachers in the licensure conversation. She urged the committee members not to move forward with SB 163.

Amelia Hodges, Secretary, Delaware Chief School Officers Association (DCSOA) and the Superintendent of Polytech School District, expressed her opposition to the bill. She stated that the Professional Standard Boards, State Board of Education, and Secretary of Education have collectively determined that all school administrators, including those in charter schools, should be licensed and certified. She emphasized the need for charter schools to also adhere to this requirement since they are considered public schools.

Lisa Lawson, President-Elect, Delaware Association of School Administrators (DASA), explained that Charter schools are public schools and their students deserve educational equity. She explained that charter students deserve to have a quality experience from highly qualified teachers and school leaders who are licensed and certified. She asserted that licensure and certification are crucial in determining students' academic achievements and outcomes, particularly for students belonging to protected classes based on race, socioeconomic status, and disability.

Dr. John Marinucci, Executive Director, Delaware School Board Association, voiced his opposition to SB 163. He highlighted the existence of an established process for administrative certification and questioned the need for creating a separate process. Dr. Marinucci expressed dissatisfaction with the involvement of an advocacy organization in the certification process, he considered it to be a questionable policy decision. He asserted that charter school students should be given the same opportunity as the students in traditional public schools who have educators and administrators who are certified by the Professional Standard Boards.

Britney Mumford, Executive Director, DelawareCAN, voiced her support for the bill stating that there is no correlation between leadership licensure and certification and excellent student outcome. She mentioned that new testing models are tested and piloted in charter schools. She stated that charter school administrators are permitted to operate differently from those in traditional schools. She suggested that if SB 163 is not passed, some high-performing charter schools may face the risk of losing their leadership.

Margie Lopez Waite, ASPIRA Academy, urged the committee members to give charter schools the flexibility to make the right decision for the needs of their students and school. She argued that the licensure requirement for educators and administrators in charter schools should be limited to a master's degree and a minimum of five years of teaching experience.

Clint Walker, Freire Charter School, Wilmington, expressed his support for SB 163. He praised the bill because it allows charter school leaders to have flexibility without requiring them to obtain licenses and certifications. He commended Senator Sokola for sponsoring the bill and urged the committee members to pass it.

Denise Stouffer, Head of School, Providence Creek Academy, pointed out that charter schools undergo different annual evaluations. She questioned the reason behind raising the discussion about licensure for charter schools.

Chuck Taylor, Retired Head of School, at Providence Creek Academy, echoed Ms. Stouffer's explanation and emphasized that charter schools undergo more evaluations than public schools. He expressed his support for SB 163 and asserted that charter schools should not be subjected to the same evaluation standards as public schools. Mr. Taylor provided examples of his own success as a former charter administrator, highlighting that he achieved this without possessing a college degree.

Taylor Hawk, Delaware State Education Association (DSEA), expressed her concerns about SB 163, emphasizing that professional licensure and certifications serve as safeguards for students and

accountability measures for educators. She highlighted that these requirements ensure that educators who have engaged in misconduct can be held accountable by the state.

Ron Russo remarked that charter schools were never established to have the same licensure requirement as public schools. Mr. Russo provided three documents for distribution to committee members; “Delaware’s Charter Schools and Systemic Change”, “Current Educational Structure”, and an article entitled, “It’s not classrooms that need fixing, it’s state bureaucracy”. They are contained in Appendix B.

Robert Overmiller expressed his support for SB 163.

Kendall Massett, Executive Director, Delaware Charter Schools Network (DCSN), expressed her support for SB 163 stating it helps to differentiate charter schools’ regulations from public schools. She remarked that the requirement of 5 years of teaching experience should not be a criterion for selecting charter school leaders. She appreciated Senator Sokola for sponsoring the bill.

Dr. Mark Holodick, Secretary, Delaware Department of Education, addressed some of the concerns raised during the public comment session and provided clarifications. He noted that the issue of certification requirements for charter school leaders is not a recent development and dates back to 2018 when he was a superintendent. He also clarified that Delaware has alternative routes to charter school certifications beyond the masters and doctoral programs. He cited an example of the University of Delaware’s Principal Preparation Program as one of the alternative routes to charter school leaders’ certification.

Dr. Jayshree Tailor expressed her disapproval of SB 163 emphasizing her belief that charter school administrators should be certified. She asserted that charter leaders often engage in the services of consultants because they lack the qualifications for their positions. She further stated that certified charter teachers would feel more confident knowing that their leaders are also certified.

Mike Matthews voiced his opposition to SB 163, stating that charter school leaders should be certified. He expressed concerns about the bill potentially undermining the professionalism of charter school leadership. He echoed Ms. Montigney's position regarding the exclusion of charter teachers in the discussions surrounding the bill.

Dawn Alexander, Legislative Chairperson of the Colonial Administrative Association, expressed her disapproval of SB 163. She said it would devalue the quality of education in Delaware. She argued that certifications would provide charter school leaders with the necessary experience to effectively manage their schools and provide well-informed feedback to their teachers.

Senator Sokola said he would meet with Secretary Holodick to come up with an amendment to the bill that will be more acceptable to all stakeholders. He said the bill backers will be circulated among the committee members for signatures but he will not proceed with the bill until he has met with Secretary Holodick and the committee members to make revisions.

Senator Sokola said HB 130’s hearing would be postponed. He confirmed that the bill backers for reappointments had been signed. He entertained a motion to adjourn the meeting. Senator

Townsend made a motion to adjourn and Senator Pettyjohn seconded it. The meeting was adjourned at 4:42.

Please Note: Written testimony submitted electronically regarding SB 163 is included at the end of these minutes in Appendix C.

SB 163 – Reported out of the Committee: 0 Favorable; 4 On its Merits (Sokola, Pettyjohn, Hocker, Townsend); 0 Unfavorable

Meeting Minute Preparation

Abdulrasheed Dawodu, Legislative Fellow, 6/12/2023

Approval of Meeting Minutes

Approved by Sen. Hocker; Seconded by Sen. Pinkney, Senate Executive Committee meeting, 6/14/2023

Appendix A

Members of the public pre-registered for webinar and In-person sign-in sheet Attendees

Jennifer Bredemeier, Delaware Department of Human Resources (DHR)
Robert Overmiller
Casey Montigney, Chair, Delaware Professional Standards Board (PSB)
Amelia Hodges, Secretary, Delaware Chief School Officers Association (DCSOA)
Lisa Lawson, President-Elect, Delaware Association of School Administrators (DASA)
John Marinucci, Executive Director, Delaware School Board Association
Britney Mumford, Executive Director, DelawareCAN
Margie Lopez Waite, ASPIRA Academy
Clint Walker, Freire Charter School, Wilmington
Denise Stouffer, Head of School, Providence Creek Academy
Chuck Taylor, Retired Head of School, at Providence Creek Academy
Taylor Hawk, DSEA
Ron Russo
Dr. Mark Holodick, Secretary, Delaware Department of Education
Kendall Massett, Executive Director, Delaware Charter Schools Network (DCSN),
Dr. Jayshree Tailor
Mike Matthews
Dawn Alexander, Legislative Chairperson of the Colonial Administrative Association

Appendix B

Documentation submitted by Mr. Ron Russo during in-person testimony

Appendix C

Public comments submitted electronically by members of the public.