

Senate Education Committee

152nd General Assembly

Wednesday, June 27, 2023

JFC Hearing Room/Virtual Meeting

11:03 p.m. - 12:38 p.m.

Committee Members Present:

Senator Laura V. Sturgeon

Laura.Sturgeon@delaware.gov

Senator S. Elizabeth Lockman

Elizabeth.Lockman@delaware.gov

Senator Kyle Evans Gay

Kyle.Gay@delaware.gov

Senator Sarah McBride

Sarah.McBride@delaware.gov

Senator David P. Sokola

David.Sokola@delaware.gov

Senator Eric Buckson

Eric.Buckson@delaware.gov

Senator Brian Pettyjohn

Brian.Pettyjohn@delaware.gov

Other Legislators Present:

Representative Bryan W. Shupe

Bryan.Shupe@delaware.gov

Senator Nicole Poore

Nicole.Poore@delaware.gov

Staff:

Alexis Wrease, Senate

Kiki Evinger, Senate

All public registrants, both in person and virtual, are listed in the Appendix

Agenda

Approval of June 21st Meeting Minutes

HB 188 w/HA 1

HB 229

SB 187

SB 188

HB 192

HB 231

HB 163

Introduction

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

- I. Senator Sturgeon entertained a motion to approve the committee's June 21st meeting minutes. Senator Sokola made a motion, and Senator Lockman seconded it. The committee's June 21st minutes were approved.

II. House Bill 188 with House Amendment 1 (Lockman): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PUBLIC EDUCATION EQUITY OMBUDSPERSON PROGRAM AND THE EDUCATION EQUITY COUNCIL.

Synopsis: This Act codifies the Equity Ombudsman program, the purpose of which is to provide students and families encountering inequity in the school system with non-lawyer advocates to assist them. The Educational Equity Council, as a stakeholder council, provides oversight to the Equity Ombudsman program, to provide broad review, analysis and recommendations, for the improvement of student equity and outcomes in Delaware's public education system.

Senator Sturgeon invited Senator Lockman to give a presentation on HB 188 w/HA 1.

Senator Lockman explained that HB 188 w/HA 1 codifies the Equity Ombudsman program. She explained that the Ombudsman program was developed as a result of litigation against Delaware. She stated that the litigation was settled in 2020 and one of the components of the settlement agreement led to the Ombudsman program's creation. The program collaborates with parents and families on behalf of their children to ensure that the children are receiving equitable treatment within the school system. Senator Lockman mentioned that HB 188 w/HA 1 also sets up the Educational Equity Council, to provide oversight functions to the Equity Ombudsman program. She requested to invite Councilman Jea Street from New Castle County, as an expert witness.

Senator Sturgeon welcomed Councilman Street.

Councilman Street reiterated Senator Lockman's explanation and added that the Ombudsman program has been successful.

Senator Lockman requested to invite Devon Hynson, Program Director, Delaware Public Education Ombudsperson Program (DPEOP), as an expert.

Senator Sturgeon welcomed Director Hynson.

Director Hynson provided an overview of the Delaware Public Education Ombudsperson Program (DPEOP), which operates under the Parent Information Center (PIC). He highlighted that within a year, the DPEOP had handled 153 cases and 50 suspension appeals, resulting in an impressive 80% success rate. Director Hynson described the process of the DPEOP, starting with a family member contacting the office to file a complaint against a school, followed by DPEOP personnel engaging in a series of questions to gain a better understanding of the complaint's nature. He emphasized the collaborative efforts between DPEOP and the school districts, as well as the program's success in intervening in student suspension cases and fostering positive relationships between parents and school districts. Director Hynson expressed appreciation to Senator Lockman for sponsoring the bill, noting that it would enhance DPEOP's sustainability plan.

Senator Lockman thanked Director Hynson. She reemphasized DPEOP's role in building relationships with parents while ensuring children receive equitable treatment within the school system.

Senator Sturgeon asked how families would be notified of the Equity Ombudsman program after it is codified.

Senator Lockman invited Director Hynson to respond to the question.

Director Hynson said the DPEOP has been engaging in some outreach programs to inform families of the program. He added that DPEOP intends to meet with school districts to market the program.

Senator Sturgeon asked if the codification of the Equity Ombudsman program has any fiscal impact.

Senator Lockman said the program's codification has no fiscal impact.

Senator Sturgeon asked how the bill will foster relationships between families and school districts, consequently reducing lawsuits filed by families.

Director Hynson clarified that DPEOP intervenes in settlement arrangements to ensure that compensatory education funds are directed toward the appropriate educational support services for students. Additionally, DPEOP aids in fostering relationships between school districts and families throughout the intervention process.

Councilman Street echoed Director Hynson's explanation and emphasized the importance of the DPEOP's intervention.

Senator Sturgeon shared her experience as a retired educator. She emphasized the importance of gaining access to the right educational support services and the continuity of students' education, particularly the students in the Equity Ombudsman program.

Senator Buckson expressed concerns about the accountability of the Equity Ombudsman program and emphasized the need for a more stringent approach towards students who consistently display disruptive behavior. He specifically highlighted the potential negative impact these students could have on other pupils.

Senator Sturgeon clarified that the program addresses such situations. She emphasized that students exhibiting callous behavior would likely be better reformed through mentorship rather than a punitive approach.

Senator Lockman asserted that the Equity Ombudsman program serves as a comprehensive framework for accountability, discipline, and ensuring equitable treatment for students with special needs.

Senator Sturgeon proceeded to public comments.

Robert Overmiller praised the Equity Ombudsman program for not being under the jurisdiction of the Delaware Department of Education. He raised concerns about the compensatory education funds.

Senator Sturgeon moved on to the next item on the agenda, HB 229.

HB 188 w/HA 1 was reported out of Committee: 4 Favorable; 1 On Its Merits; 0 Unfavorable.

III. House Bill 229 (Lockman): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE REDDING CONSORTIUM FOR EDUCATIONAL EQUITY.

Synopsis: This Act removes the required window for submission of a final plan from the Redding Consortium to the State Board of Education and instead requires that the State Board act on any plan submitted by the Redding Consortium within 3 months. It also allows for the Redding Consortium to submit an interim plan prior to the completion of its full plan. Finally, it provides that the Consortium's final report may include recommendations for policies and practices for systematic reform to address the negative impacts of the Neighborhood Schools Act.

Senator Sturgeon invited Senator Lockman to give a presentation on the bill.

Senator Lockman explained that the Redding Consortium for Educational Equity was established in 2019. In 2021, the Delaware Code was updated to allow for an extension of the submission deadline for plans related to the adjustment of governance boundaries involving the City of

Wilmington and New Castle County. Senator Lockman mentioned that the Redding Consortium for Educational Equity did not report a redistricting or governance proposal within the required timeframe. Therefore, HB 229 proposes to further extend the timeline for plan submission.

Senator Sturgeon asked if any members of the committee had any comments on the bill but there was none, she then proceeded to public comment.

Robert Overmiller raised concerns about the possibility of a federal lawsuit decision preventing any future change to the district lines of New Castle County.

Senator Sturgeon proceeded to the next item on the agenda, SB 187.

HB 229 was reported out of Committee: 5 Favorable; 1 On Its Merits; 0 Unfavorable.

IV. Senate Bill 187 (Sturgeon): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION.

Synopsis: This Act ensures that educators hired after the effective date of this Act, who earned graduate degrees prior to becoming educators, receive credit on the salary schedule for those degrees regardless of the specific subject area of those degrees. Once an individual is employed as an educator, in order to receive credit for any graduate degrees earned after that time, such degree must be in the subject area in which the educator is employed.

Senator Sturgeon explained that SB 187 is designed to help Delaware schools recruit qualified candidates into the teaching profession, especially those with diverse educational backgrounds and prior non-teaching experience. She stated that the current law does not account for additional salary recognition for new candidates whose advanced degrees are not directly related to the specialized area they are being recruited for. She further explained that this can result in a financial disincentive for candidates with prior work experience or an advanced degree. Senator Sturgeon gave an example of a math teacher whose MBA degree was not considered a requirement for additional compensation despite possessing transferable quantitative and managerial skills.

She clarified that SB 187 allows new educators to be compensated for the master's or doctoral degrees they obtained before their hiring dates, regardless of the field of study. However, degrees obtained after their hiring dates must be relevant to their field to qualify for compensation. She shared her experience as a retired educator, highlighting the value of a diverse educational background. Senator Sturgeon clarified that SB 187 does not undermine the existing licensure and certification process.

She asked if any members of the committee had any comment on SB 187.

Senator Pettyjohn praised Senator Sturgeon and requested to be added as a co-sponsor.

Senator Buckson asked if SB 187 would consider existing teachers who possess advanced degrees that are not related to their teaching specialization.

Senator Sturgeon clarified that SB 187 would only be applicable to new hires due to a possible fiscal note impact and budget constraints.

Senator Sturgeon proceeded to public comments.

Robert Overmiller voiced his support for SB 187 and added that some school districts recognize candidates with diverse educational backgrounds.

Taylor Hawk, Director of Legislative and Political Strategy, Delaware State Education Association (DSEA), expressed her support for SB 187. She echoed Senator Sturgeon's explanation and added that SB 187 would create an innovative strategy for recruiting professionals into the teaching profession.

Senator Sturgeon proceeded to the next item on the agenda, SB 188.

SB 187 was reported out of Committee: 3 Favorable; 3 On Its Merits; 0 Unfavorable.

V. Senate Bill 188 (Sturgeon): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE INTERSTATE TEACHER MOBILITY COMPACT.

Synopsis: This Act enacts the Interstate Teacher Mobility Compact (ITMC). The Council of State Governments partnered with the Department of Defense and the National Association of State Directors of Teacher Education and Certification (NASDTEC) to support the mobility of licensed teachers through the development of this new interstate compact. The ITMC will create reciprocity among participant states and reduce barriers to license portability and employment. The Interstate Teacher Mobility Compact (ITMC) is an interstate occupational licensure compact. Interstate compacts are constitutionally authorized, legislatively enacted, legally binding agreements among states. The ITMC will allow teachers to use an eligible license held in a compact member state to be granted an equivalent license in another compact member state, lowering barriers to teacher mobility and getting teachers back into the classroom more seamlessly. The ITMC utilizes a different model than other interstate occupational licensure compacts. Compact member states submit licenses that are eligible for the compact and meet a set of criteria outlined in the legislation. To be eligible, a license must require a bachelor's degree and completion of a state-approved program for teacher licensure like a teacher preparation program at a college or university. Furthermore, for a license to be eligible under the ITMC, the license must be unencumbered, which means it is not restricted, probationary, provisional, substitute, or temporary. Teachers holding a compact-eligible license can apply for licensure in another member state and receive the closest equivalent license without submitting additional materials, taking state-specific exams or completing additional coursework. Special carveouts were created for some populations in the ITMC to support equitable access. Due to the mobility patterns of military spouses,

the barriers to receiving a license that would be considered unencumbered under the compact are much higher. Teachers meeting the definition of an eligible military spouse will be able to use a temporary or provisional license for the purposes of the ITMC. Career and Technical Education Teaching Licenses often do not require a bachelor's degree as a requirement for licensure, so the compact allows these licenses to be considered eligible without that requirement. The ITMC will not close any existing pathways to teacher licensure or teacher mobility. The ITMC aims to provide additional tools to state licensing authorities to more efficiently license out of state teachers and get them into the classroom. State licensing authorities will also appoint their state's representatives to the Interstate Teacher Mobility Compact Commission, which serves as the administrative body of the ITMC. In addition to the NASDTEC, the following organizations contributed to the development process for the ITMC: • National Association of Elementary School Principals. • American Association of Colleges for Teacher Education. • National Education Association. • Council of Chief State School Officers. • Education Commission of the States. • Southern Regional Education Board. • American Association of School Administrators. • National Conference of State Legislatures. • National Association of State Boards of Education. • National Governors Association. • National Council on Teacher Quality. • National School Boards Association. The ITMC must be enacted in 10 states to become effective. The ITMC has been enacted in 8 states and legislation to enact it is pending in 13 states.

Senator Sturgeon invited Deborah Gottschalk, Division of Research, as an expert witness.

Ms. Gottschalk explained that SB 188 enacts the Interstate Teacher Mobility Compact (ITMC). The ITMC was developed by the Council of State Governments in partnership with the Department of Defense and the National Association of State Directors of Teacher Education and Certification (NASDTEC) to establish reciprocity among participating states and reduce barriers to license portability and employment for teachers.

Ms. Gottschalk explained that ITMC was finalized in April and that around ten states, including Oregon, have already enacted similar legislation. Each member state has the authority to determine which licenses they will recognize. Ms. Gottschalk highlighted that the ITMC enables teachers to utilize an eligible license held in one compact member state to obtain an equivalent license in another compact member state. This helps facilitate teacher mobility and streamlines the process of returning teachers to the classroom. Additionally, military spouses will have the opportunity to utilize a provisional license. Ms. Gottschalk clarified that the ITMC does not alter any existing pathways to teacher licensure or teacher mobility.

Senator Sturgeon asked if the Delaware Department of Education (DDOE) will still have the authority to determine teacher qualifications in Delaware under ITMC if SB 188 is passed.

Ms. Gottschalk responded that the DDOE will still have the authority to determine teacher qualifications. She added that each member state will be able to set its own teacher qualification requirements and standards.

Senator Sturgeon clarified that she planned to discuss SB 188 further with the Delaware Department of Education (DOE) after the 152nd General Assembly legislative session.

Senator Sturgeon asked if any members of the committee had any comment on the bill.

Senator Buckson praised the importance of the ITMC and declared his support for the legislation.

Senator Sturgeon proceeded to public comments.

Robert Overmiller voiced his support for SB 188.

Senator Sturgeon proceeded to the next item on the agenda, HB 192.

SB 188 was reported out of Committee: 4 Favorable; 2 On Its Merits; 0 Unfavorable.

VI. House Bill 192 (Pettyjohn): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PROFICIENCY ON STUDENT ASSESSMENTS.

Synopsis: This Act requires that the superintendent, school leader, or equivalent chief school officer who oversees a school or a charter school where students have single-digit proficiency in English language arts or mathematics, or both, collaborate with the Department of Education and school building-level administration to create a short-term plan to raise performance so that the school no longer has single-digit proficiency. This Act also requires the creation of a long-term plan for how to further improve student performance on State assessments and increase the school's overall student body achievement proficiency level. This Act does not apply to a school with a plan for comprehensive support and improvement (CSI) or targeted support and improvement (TSI) under 20 U.S.C. § 6311, a school participating in a locally established entity that requires the creation of a plan to improve school performance, or a school required to create a plan to improve school performance under any other State or federal law. Single-digit proficiency is based on the most recent State assessment data reported under § 124A of Title 14. Under this Act, a superintendent, school leader, or equivalent chief school officer must present the short-term plan and the long-term plan at a school board meeting for approval by the school board. Additionally, the superintendent, school leader, or equivalent chief school officer must provide annual updates, including any proposed changes to the plans as well as information about implementation of the plans. Any changes to the plans must be approved by the school board. The plans must be displayed on the school's website or webpage and the Department's website. The short-term plan and the long-term plan must be presented at a school board meeting and displayed on the school's website or webpage by May 1. The superintendent may stop providing updates about the plans once certain State assessment performance conditions are met. If a school subsequently ceases to meet performance conditions, then the plan must be revised to

incorporate strategies to improve performance. This Act also requires the Department to submit an annual report that contains information on schools with single-digit proficiency and schools with an overall student body achievement proficiency level of less than 20% but greater than single-digit proficiency in English language arts or mathematics, including data from prior years. This Act is effective immediately and shall be implemented the first August 1 after enactment of this Act.

Senator Sturgeon invited Representative Shupe to give a presentation on HB 192.

Representative Shupe explained that HB 192 mandates schools with single-digit proficiency rates in either English or Mathematics to create local plans aimed at improving student proficiency in those subjects. He highlighted that there are currently eleven schools in Delaware lacking an improvement plan despite having single-digit proficiency rates. Representative Shupe mentioned that according to HB 192, these schools would be required to develop a local plan that is specific to their community and present it annually during the school board meeting. Additionally, the bill calls for the Delaware Department of Education (DOE) to submit an annual report to the General Assembly, updating them on the progress of Delaware schools with single-digit proficiency rates.

Senator Sturgeon asked Representative Shupe if the DDOE was consulted on the bill.

Representative Shupe explained that he consulted the DDOE on the bill.

Senator Sturgeon thanked Representative Shupe and stated that his explanation had clarified some of her concerns about HB 192. She clarified that the schools with single-digit proficiency rates do not fall into that category solely because of the performance of their lower grades. Rather, the low proficiency in the lower grades carries over and impacts the performance in higher grades as well.

Representative Shupe agreed with Senator Sturgeon's clarification and emphasized that schools with single-digit proficiency rates span across different grade levels and counties. He further highlighted that the bill mandates these schools to create a local plan, taking into account the influence of the community on students' learning outcomes.

Senator Sturgeon asked if any members of the committee had any questions about the bill.

Senator Buckson praised the bill and inquired about its focus solely on schools with single-digit proficiency rates, questioning why it doesn't encompass all underperforming schools.

Representative Shupe provided clarification, explaining that the selection of the single-digit proficiency benchmark is intended as an initial step, with the intention of potentially raising the benchmark in the future.

Senator Sturgeon expressed support for the gradual approach described by Representative Shupe. She further emphasized that the success of HB 192 would serve as a determining factor in shaping the approach to be taken in increasing the proficiency benchmark in the future.

Senator Sturgeon proceeded to public comments.

Robert Overmiller voiced his support for HB 192.

Senator Sturgeon proceeded to the next item on the agenda, HB 192.

HB 192 was reported out of Committee: 0 Favorable; 5 On Its Merits; 0 Unfavorable.

VII. House Bill 231 (Poore): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE BASIC SALARY SCHEDULE FOR CERTAIN SCHOOL EMPLOYEES.

Synopsis: This Act provides clarity on the type of certification and the accepted certifying agencies for increases over the basic salary schedule.

Senator Sturgeon invited Senator Poore to present HB 231.

Senator Poore explained that HB 231 clarifies which certifying agencies and school-based specialists would be entitled to the 6% salary supplement that was passed into law during the 151st General Assembly. Senator Poore stated that the existing wording of the legislation has inadvertently prevented further measures from being implemented to grant the stipend to the appropriate certifying entities, specifically the Federation of State Boards of Physical Therapy (FSBPT). Senator Poore emphasized the importance of passing HB 231, as without its enactment, school-based physical therapists in Delaware would be unable to receive the stipend that was initially awarded to them during the 151st General Assembly. She noted that the fiscal note accompanying the stipend was based on the assumption that all school-based physical therapists would qualify for it.

Senator Sturgeon thanked Senator Poore and stated that HB 231 would rectify the error in the previous legislation. She asked if any members of the committee had any comment on the bill.

Senator Buckson complimented HB 231.

Senator Sturgeon proceeded to public comments.

Robert Overmiller voiced his support for HB 231.

Lindsey Beauchamp, Physical Therapist, Howard T. Ennis School, voiced her support for HB 231, stating the importance of physical therapist in schools.

Emily Bennet, Physical Therapist, Howard T. Ennis School, expressed her support for HB 231. She echoed Ms. Beauchamp's explanation.

Kristin Capone, Physical Therapist at Colonial School District, voiced her support for HB 231 and echoed Ms. Beauchamp's explanation.

Taylor Hawk, DSEA, expressed her support for HB 231 and thanked Senator Poore for sponsoring it.

Carolyn Buckel, Colonial School District, voiced her support for HB 231 and echoed Ms. Beauchamp's explanation.

Kathleen Benson, Physical Therapist, Colonial School District, voiced her support for HB 231, stating the importance of physical therapists in schools. She also echoed Ms. Beauchamp's explanation.

Amy Gallagher voiced her support for HB 231.

Senator Sturgeon proceeded to the next item on the agenda, HB 163.

HB 192 was reported out of Committee: 0 Favorable; 5 On Its Merits; 0 Unfavorable.

VIII. House Bill 163 (Sturgeon): AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION.

Synopsis: This Act authorizes the Department of Education to issue an initial or continuing license to a Junior Reserve Officer Training Core (JROTC) Instructor who has been certified by the United States Department of Defense (USDOD). This Act also removes outdated language.

Senator Sturgeon provided background information on HB 163. She explained that the bill originated from one of Representative Williams' constituents who expressed concerns about the Junior Reserve Officer Training Corps (JROTC) programs based on a New York Times article in 2022. Representative Williams notified the Delaware Department of Education (DDOE) about these concerns. The DDOE surveyed several school districts including charter schools and found a wide variety of specifications for JROTC instructors. Senator Sturgeon highlighted that HB 163 addresses this issue by establishing licensing requirements through the DDOE. This would ensure consistency and standardization in the qualifications needed to teach JROTC programs across schools throughout the state. The bill grants the DDOE the authority to issue initial or continuing licenses to JROTC instructors. Senator Sturgeon further noted that Representative Williams consulted both the Professional Standards Boards and the Delaware Association of School Administrators, and both expressed their support for HB 163. She invited Dr. Mark Holodick, Delaware Secretary of Education, as an expert witness.

Secretary Holodick, DOE, confirmed Senator Sturgeon's explanation on HB 163.

Senator Sturgeon proceeded to public comment.

Robert Overmiller voiced his support for HB 163.

Senator Sturgeon acknowledged that the committee members had to attend another meeting but assured that the bills' backers would be circulated later among the committee members for signatures.

Senator Sturgeon adjourned the meeting at 12:39pm.

HB 163 was reported out of Committee: 0 Favorable; 5 On Its Merits; 0 Unfavorable.

Minutes prepared by Abdulrasheed Dawodu, Legislative Fellow, 6/30/2023

Approval of Meeting Minutes, 1/24/2024

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

Councilman Jea Street, New Castle County
Devon Hynson, Program Director, DPEOP
Robert Overmiller
Taylor Hawk, Director of Legislative and Political Strategy, DSEA
Deborah Gottschalk, Division of Research
Lindsey Beauchamp, Physical Therapist, Howard T. Ennis School
Emily Bennet, Physical Therapist, Howard T. Ennis School
Kristin Capone, Physical Therapist at Colonial School District
Carolyn Buckel, Colonial School District
Kathleen Benson, Physical Therapist, Colonial School District
Amy Gallagher
Dr. Mark Holodick, Delaware Secretary of Education

Appendix B: *Public comments submitted by members of the public.*

From: Tammy Croce <tjcroce@edasa.org>

Sent: Tuesday, June 27, 2023 7:50 AM

To: Sturgeon, Laura (LegHall) <Laura.Sturgeon@delaware.gov>; Wrease, Alexis (LegHall) <Alexis.Wrease@delaware.gov>

Subject: Senate Ed Tuesday 6-27-23

Dear Senator Sturgeon, I will not be in Senate Ed today as I must attend an appointment at UPENN with my husband. DASA supports SB187, SB188, HB188 w/HA1, and HB163, and we are comfortable with HB192, HB229 and HB231 as we have had an opportunity to discuss these bills with the sponsors to address concerns or get clarifications.

Thank you,

Tammy Croce

Tammy J. Croce, Ed.D.
Executive Director
Delaware Association of School Administrators
302-674-0630 office

tjcroce@edasa.org

