



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: March 21, 2022

TO: The Honorable Primary Sponsors, Additional Sponsors and Co-Sponsors of House Bill No. 315

Rep. Heffernan,

Sen. [Sturgeon](#)

Reps. [Dorsey Walker](#), [Griffith](#), [K. Williams](#), [Bush](#), [S. Moore](#)

Co-Sponsor(s):

Sen. [Gay](#), [Hansen](#), [Hocker](#), [Lockman](#), [S. McBride](#), [Pinkney](#), [Walsh](#)

Reps. [Baumbach](#), [Bolden](#), [Briggs King](#), [Carson](#), [Longhurst](#), [Mitchell](#), [Osinski](#), [Ramone](#)

FROM: Terri Hancharick, Vice Chairperson
GACEC

RE: **House Bill No. 315 Unit Funding for Substitute Teachers**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 315**, which would provide unit funding for full time employees who shall be hired to provide permanent substitute teaching support in Delaware schools. The bill also provides professional development requirements for those hired into these positions and creates a pathway to teaching to those individuals who meet the requirements for an emergency certificate.

The Policy and Law committee of the GACEC reviewed and discussed this proposed legislation. Council executive director Pam Weir also spoke with Representative Heffernan in reference to some of the concerns Council has with the legislation as written. To that end, we will share our concerns and information received with Representative Heffernan, and the additional and co-sponsors of the bill.

Specifically, this bill does a few distinct things: (1) provides unit funding for full time employees who are hired to provide permanent substitute teaching support in Delaware schools; (2) requires the Delaware Department of Education (DDOE) to develop a professional development program specifically for substitute teachers; and (3) creates a new pathway to initial licensure for substitutes under the proposed §1716F.

Council understands and appreciates that HB 315 is an attempt to solve one of the oldest and most consistent issue seen by school systems all over the country: the shortage of substitute teachers. The COVID-19 pandemic only served to exacerbate the issue, causing some Delaware schools to even close their doors or provide virtual instruction on days where there were no substitutes to cover the number of teachers who were absent.

Although HB 315 seems beneficial on its face and a no-brainer for support, we asked to speak with Rep. Heffernan to discuss our concerns and would like to request a meeting to discuss the possible unintended consequences of its enactment. We feel that more time, care, and consideration needs to be taken before we can fully offer our support of the legislation. There are still concerns in the following areas of the legislation:

Unit Funding for Permanent Substitute Teaching Support

Beginning the 2023-24 school year, HB 315 would provide for full time substitute teachers based on the number of students counted in the September 30 unit count for elementary, middle, and high schools. The September 30 unit count determines the number of teachers a school and school district are allocated, and therefore how the general assembly determines its appropriations. The appropriations are divided into three “Divisions” with teachers being funded with Division I monies.

HB 315 would allow schools, based on the number of Division I units – teachers – to hire full-time substitutes. Specifically,

- **A school with 25-29 teachers would receive .65 of a full-time substitute unit;**
- **A school with 30-49 teachers would receive 1 full-time substitute unit;**
- **A school with 50-54 teachers would receive 1.65 full-time substitute units; and**
- **A school with 55 or more teachers would receive 2 full-time substitute units.**

HB 315 further states that any “fractional” units could be used to support full-time substitute teachers throughout the district. It is unclear how this particular provision will function and how it will affect how full-time substitute teachers would be used throughout the district. For example, if the “fractional” units from the schools within the district are then combined at the district level to provide for full units, who determines where these “district” full-time substitutes would go? Would they be stationed at *one* school for the duration of the year, or would they become *floaters* to be used as the district sees fit? The latter would be counter to what full-time substitutes are supposed to provide: stability and continuity for the students and the school.

A major concern is that HB 315 provides for a “cash option” that would allow a District to essentially *trade-in* up to 30 percent of the full-time substitute units for \$35,000 per unit. Although the funds would be required to be used to support substitute teaching or reducing class size, how does this help accomplish the goal of ensuring there are enough substitute teachers available? This question becomes more salient when considering the pay and benefits for full-time substitute teachers under HB 315.

HB 315 requires that full-time substitute teachers hired under consistent with these provisions would be paid from state funds for ten (10) months consistent with 14 Del. C. 1305. Specifically, full-time substitute teachers must be paid at a starting salary equitable to a no degree step 1 salary, which is .96171. As an illustration, the lowest salary for a teacher in the 2019-2020 school year was \$42,338. A no degree step 1 salary for the 2019-2020 school year would then be \$40,716.88. In stark contrast, the range of pay for substitute teachers in 2019-2020 was anywhere from \$66 per day to \$104 per day. So the district has to decide: do I want to pay one person approximately \$40,000 to be at one school? Or do I want to take the cash option and pay substitute teachers *per day* at all my schools? The cap of 30 percent of the units available for trade-in helps ensure that most of the funds are used for full-time substitutes, but why allow the cash option at all?

Council would appreciate more explanation relative to the cash substitute option, having concerns that it could actually incentivize districts to avoid bringing on a full-time substitute in favor of less-costly pay-by-the-day options. Doing so would seem to be contrary to the point of the bill, which is to enable districts to bring aboard personnel who can become a consistent presence within the school environment, known to the students and becoming increasingly familiar with school culture.

In speaking with Representative Heffernan, we learned that the bill will apply to high needs elementary, middle and high schools; however, clarity is still needed in order to discern whether HB 315 would apply to *all* elementary, middle, and high schools. There is one reference to high needs schools which is (b)(1), where it identifies the number of full-time substitute units to which schools would be entitled. This is the only mention of “high needs” schools within the entire bill. It is unclear whether the bill is intended to only affect those schools identified as “high needs” or whether there was a mistake made in drafting, or both. Council would ask that the following two recommendations for this (b)(1) section be considered.

1. **The citation to the “high needs” definition included in the bill is 14 Del. C. §1726. This is an incorrect citation and should be changed to 14 Del. C. §1102A(5)(b). However, this correction may be unnecessary if it was a mistake to restrict these full-time substitute units to high needs schools.**
2. **The drafters label this section as (b)(1) yet there is no (b)(2); the next section after (b)(1) is (c). In general, if there is a (b)(1), there is going to at least be a (b)(2). It is possible that the drafters intended there to be separate unit count determinations for schools considered “high needs”; or that was the original thought and was subsequently abandoned. Council recommends that the drafters clarify whether the bill would apply to *all* schools, just those identified as “high needs,” or both with different allocations as well as whether charter schools are included.**

Professional Development Program for Substitutes

The second thing HB 315 would do is require that DDOE develop a professional development program no later than May 30, 2023 specifically targeted at substitute teachers. This program would be for both district and charter school use and would be required to include, at a minimum, training on:

- **Implementing lesson plans;**
- **Classroom management;**
- **Student behavior, including disability awareness and behaviors that may manifest because of disabilities; and**
- **Basic understanding of Individualized Education Plans and Section 504 Plans.**

The bill would also make all individuals hired as full-time substitutes subject to state, district, and building level professional development requirements as well as to the provisions found in Title 14, Chapter 41 of the Delaware Code. Finally, it allows the full-time substitute to use the hours spent doing professional development training as credits toward a standard teaching certificate. Council supports the inclusion of a professional development requirement in a bill relating to substitute teachers, especially for full-time substitute teachers. Equipping substitute teachers with training specifically related to classroom management and addressing student behaviors is nothing short of a much needed, great idea. However, the intensity and scope of this training is underspecified.

Council would also suggest that the drafters consider whether there should be a requirement that DDOE consult with the Delaware Center for Teacher Education at the University of Delaware in developing the training and professional development program. A collaboration such as this would help ensure consistency in training for those teaching in Delaware schools.

Pathway to Licensure

Finally, HB 315 would provide for a pathway to licensure for full-time substitutes. Specifically, it would allow those full-time substitutes to use their time in the classroom as an alternative to student teaching, which is a prerequisite to receiving initial licensure. In attempting to include this additional pathway in Chapter 12, Title 14 of the Delaware Code, the drafters may have inadvertently made a fairly substantial

change to the alternatives to student teaching requirements. The current text of 14 Del. C. 1210(a)(1), which is the first of four alternatives to student teaching, reads:

One year of teaching experience consisting of a minimum of 91 days of long-term teaching experience in 1 assignment, except that this paragraph (a)(1) does not apply to applicants seeking an initial license to teach in a core content area. For the purposes of this section, “core content area” means any subject area tested by the state assessment system, including mathematics, English/language arts, science, and social studies. Experience in an alternative routes for teacher licensure and certification program or the Special Institute for Teacher Licensure and Certification Program may not be used to meet this alternative.

HB 315 would change 14 Del. C. 1210(a)(1) to read as follows:

One year of teaching experience consisting of a minimum of 91 days of long-term teaching experience in 1 assignment or 3 years of long-term teaching experience consisting of 91 days of long-term teaching experience per year in multiple assignments under § 1716F of this title. Experience in an alternative routes for teacher licensure and certification program or the Special Institute for Teacher Licensure and Certification Program may not be used to meet this alternative.

In making these changes, the drafters removed the carve-out for applicants seeking an initial license to teach in a core content area. Council recommends that the drafters retain this carve out and instead place the specific provision related to an alternative route for full-time substitutes as the fifth alternative to student teaching rather than included in one of the already-existing alternatives.

In speaking with Rep. Heffernan on our concerns, it was noted that the pathway to licensure is a major concern for Council in that it may lead to inadequate preparation of full-time substitutes for their roles. There may be unanticipated repercussions from current teachers about the minimal standards that substitutes need to meet in order to qualify for certification. They are far inferior to the standards that other teachers had to meet in terms of GPA requirements, passage of Praxis tests, and student teaching expectations. Moreover, the requirement for student teaching, which typically occurs with intensive mentorship, is waived once the substitutes have spent 91 days in a single teaching assignment. The teachers who serve on the GACEC were highly concerned about these diminished expectations, in part because they erode the standards of their profession, but particularly because of the negative consequences of inadequately prepared educators on students, and especially on students with disabilities who need specialized instruction.

Representative Heffernan noted in the discussion that this bill does not apply to Special Education Teachers. The student teaching component is the only thing that changes. Mentorship is still required; the time spent substitute teaching would serve as the student teaching. Mentorship is still required. The induction program is run through the LEAs. She also noted that the mentorship process is already in place in the schools. No GPA requirement currently exists for teachers; Praxis One is no longer required in Delaware; but Praxis Two in content area is required. A Bachelor’s degree is also required.

This is not what is understood by teachers on the GACEC and individuals on Council who are currently working towards their teaching certification; therefore, Council would request more information to ensure that the requirements for certification are not being diluted, as they appear to be in our reading of the legislation.

Representative Heffernan noted that if an amendment is needed, one could be added after the committee hearing. Representatives from the GACEC would very much like to be a part of ongoing discussion to work with the sponsors to amend the legislation. As noted earlier, we see this legislation as an admirable attempt to provide a solution for a statewide issue. We are just concerned on the areas noted.

Thank you for your time and consideration of our observations and concerns on this proposed legislation. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions on our comments.