

Delaware







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| Law Analyzed | Delaware Code Title 14, Chapter 12 § 1270; Delaware Performance Appraisal System Guides; SB 263 |
| Date Passed | 2009, 2010 |
| Overall Rating | 6.25 |

Delaware has had a statewide teacher evaluation system since the mid-1980s. The system was revised in 2000 to create the Delaware Performance Appraisal System II (DPAS II), and in 2009 the state adopted regulations to incorporate student growth measures into DPAS II and to require a teacher's students to make at least a year's growth in order for a teacher to be rated "effective" or better. In May 2010, the Democrat-controlled legislature and Governor Jack Markell (D) built on these policies by passing SB 263, which links teacher tenure to DPAS II evaluations.





Delaware's teacher effectiveness policies have many strengths: Teachers are evaluated annually and cannot be rated "effective" or higher unless they earn a "satisfactory" rating on the student improvement component of the evaluation. Teachers must earn at least two years of "effective" or better ratings to receive "due process" rights, and evaluation ratings can be used to establish a "pattern of ineffectiveness" as grounds for teacher dismissal. Although Delaware has established a statewide teacher evaluation system, it allows waivers for locally-developed evaluations if they are collectively bargained and as rigorous and sound as DPAS.

Currently, Delaware's laws and regulations do not require transparent reporting on teacher performance to parents and the public, prevent students from being consecutively taught by ineffective teachers, or hold teacher preparation programs accountable for the performance of their graduates. The state is developing practices through its Race to the Top grant to address many of these issues, including linking teacher effectiveness data back to teacher preparation programs, teacher retention and attraction bonuses, and additional compensation for highly-effective teachers. The state's policies do not address seniority-based layoffs and excessing, or ensure teacher hiring and placement by mutual consent. These are areas for potential improvement in future law or regulations.




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| Criteria | Explanation | Score |
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| Are teachers evaluated at least annually? | Generally, yes. Delaware code requires annual evaluation for all teachers, but allows a waiver for teachers rated highly-effective. Teachers may not receive two consecutive waivers. The student improvement component must be evaluated annually. |  |
| Are principals, as well as teachers, evaluated? | Yes. Delaware has established DPAS II for teachers, specialists, and administrators. |  |
| Is evidence of student learning a factor in teacher evaluations? | Yes. Student improvement is one of five components in a teacher's evaluation: 1) planning and preparation 2) classroom environment 3) instruction 4) professional responsibilities and 5) student improvement. Teachers cannot be rated effective or highly-effective overall if student growth expectations are not met. |  |
| Do evaluations differentiate between multiple levels of educator performance? | Yes. Four-level rating system: highly-effective, effective, needs improvement, and ineffective. |  |
| Are parents and the public provided clear information about teacher effectiveness? | Law neither precludes nor mandates reporting of teacher effectiveness data. Under Race to the Top, Delaware has developed and is implementing a new monitoring and reporting system for the DPAS II. Aggregated information on DPAS effectiveness will be reported on the Delaware Department of Education website. |  |
| Are educator preparation programs accountable for graduates' effectiveness? | Although not specified in law, the state's data system has the capacity to link student achievement data back to the programs where their teachers and principals were prepared. This will enable the Delaware Department of Education, LEAs, and the general public to more clearly see which programs are producing effective teachers and principals. |  |

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| Is tenure linked to effectiveness? | In order to receive the highest level of notice and hearing protections, teachers must complete at least three years of teaching in Delaware, two of them with the employing school board, and must have earned at least two years of “satisfactory” ratings in the student improvement component of the teacher evaluation. |  |
| Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so? | Performance on the teacher evaluation system may be used to establish a “pattern of ineffective teaching,” which, once established, can be used to terminate a teacher for incompetency. A pattern of ineffective teaching includes two consecutive years “ineffective” ratings or three consecutive years of combined “unsatisfactory” and “ineffective” ratings. Delaware has not created a streamlined process for dismissals based on ineffectiveness. Under pre-existing law, a teacher charged for dismissal may request a hearing before the local school board, which may elect to designate a hearing officer to hear the hearing. Evidence at the hearing may only address the stated reason for dismissal. A teacher may appeal dismissal to the County Supreme Court, which must uphold the board’s decision if “substantial evidence” supports it. |  |
| Is effectiveness, rather than seniority, the primary consideration in reductions in force? | Not addressed in legislation or regulations. Delaware’s Race to the Top application commits the state and its LEAs to develop new programs and policies to ensure that evaluations are used as the primary factor in personnel actions, including teacher and principal dismissal and retention. |  |
| In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment? | Not addressed in legislation or regulations. Delaware’s Race to the Top application commits the state and its LEAs to develop new programs and policies to ensure that evaluations are used as the primary factor in personnel actions, including teacher and principal dismissal and retention. |  |

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| Do principals have authority to decide who teaches in their schools? | Not addressed in legislation or regulations. Some local collective bargaining agreements may include provisions that provide for flexibility in hiring and transferring that is not solely based on seniority. |  |
| Does the law protect students from being consecutively assigned to ineffective teachers? | Not addressed in legislation or regulations. |  |
| Are effective teachers rewarded with increased compensation? | Delaware law provides a state salary schedule and allows, but does not require, LEAs to provide additional compensation, which could be based on performance. As part of Race to the Top, Delaware has developed a Teacher Attraction and Retention program that will provide a bonus to certain “highly-effective” teachers. |  |