



SPONSOR: Sen. Sturgeon & Rep. K. Williams
Sen. Hoffner; Reps. Chukwuocha, Lambert

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 165

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENT IMPROVEMENT COMPONENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1270, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1270. The Delaware Performance Appraisal System II.

4 (i)(1) The Department shall revise the student improvement component of evaluations under this section to
5 ensure an evaluation system that is equitable, flexible, and focused on meaningful student progress. The revised
6 measure of student improvement under this paragraph (i)(1) must take into consideration all of the following:

7 a. Student absence. If a student has missed more than 15% of the class time, that student's performance
8 may only be used with the agreement of the educator being evaluated under this chapter.

9 b. Student mobility.

10 c. Student chronic noncompliance with school rules.

11 d. A parent's chronic failure to abide by the Parents' Declaration of Responsibilities.

12 e. Other factors that the Department identifies that may adversely affect an evaluation.

13 (2) For purposes of this subsection (i), "school" means a school district or charter school.

14 (3) The Department shall implement a pilot program for the revised student improvement component under
15 paragraph (i)(1) of this section as follows:

16 a. At least 3 schools for the 2025-2026 academic year.

17 b. At least 6 additional schools for the 2026-2027 academic year.

18 c. This pilot program must be conducted with the consent of all of the following:

19 1. Each participating school.

20 2. If applicable, the organization representing the participating school’s educators for collective
21 bargaining purposes.

22 d. This pilot program must include teachers, specialists, and administrators and focus on refining the
23 goal-setting process, ensuring alignment with professional growth and increasing flexibility in student
24 improvement measures.

25 e. All participants in this pilot program must receive summative evaluations but the student improvement
26 component will not factor into overall ratings for participating educators or schools.

27 (4) Beginning with the 2027-2028 academic year, the Department shall implement the revised student
28 improvement component under paragraph (i)(1) of this section statewide for all licensed and certified educators.

SYNOPSIS

Like Senate Bill No. 165, this Act requires the Department of Education to pilot a revised student improvement component under the Delaware Performance Appraisal System and Delaware Teacher Growth and Support System beginning in the 2025-2026 school year before implementing it statewide. The revised student improvement component must consider factors such as student absences, mobility, and noncompliance that may adversely affect a student’s performance. During the 2026-2027 academic year, the pilot program will expand, allowing for further refinement of implementation and support structures. Participants in the pilot program will be held harmless, so that the revised student improvement component will not factor into overall ratings. The program will be implemented statewide in 2027-2028 for all licensed and certified educators.

Senate Substitute No. 1 for Senate Bill No. 165 differs from SB 165 by holding also holding educators harmless during the pilot program and by making the following technical changes:

- Using the word “school” to refer to school districts and charter schools because “local education agencies” is not a defined term in the Code.
- Clarifying when the pilot program ends.
- Reorganizing the provisions to conform to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Sturgeon