

## MEMORANDUM

DATE: May 18, 2009

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell  
Chairperson  
State Council for Persons with Disabilities

RE: S.B. 67 [Teacher Compensation]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 67 which would allow teachers who demonstrate objectively measured efforts to improve the academic performance of their students during the preceding school year to receive financial bonuses, and teachers who do so in high risk schools to receive additional bonuses. As background, this bill is part of an education reform package of legislation described in the attached March 11 and April 15, 2009 Dover Post articles. Under current law, teachers are eligible for bonuses based on completion of additional professional development classes, securing certifications, and accepting additional responsibilities within schools. Given the current budget situation, these bonuses have been suspended. See synopsis, final sentence. This bill would authorize bonuses for teachers based on an assessment of measured student progress. A supplemental bonus would be available for teachers qualifying for the student achievement bonus while employed in a “high-risk” school. The bonuses would be in an amount between 2%-6% of base salary (lines 12-13, 27-29). Ten percent (10%) of overall funds would be awarded to “schools that have demonstrated the most objectively measured progress on student assessment tests” for distribution as bonuses to educators within the school (lines 39-45). The bill would only be implemented upon appropriation of specific funds and restoration of funds to resume bonuses for completion of professional development classes and securing certifications. The Department of Education would develop regulations based on standards outlined in the bill.

While the bill provides targeted incentives to promote actual student achievement, and provides additional incentives for “high risk” schools, SCPD cannot provide a position based on the following reservations.

First, providing bonuses for teachers whose students perform well may also provide an incentive to “dump” students who are struggling academically.

Second, the criteria for designation of a “high risk” school includes those with a disproportionate percentage of low income students (i.e. enrolled in free or reduced lunch program); and LEP students; and transient students. It would be preferable to insert the following (underlined) amendment in line 25: ...English is not a first language, whether schools have a disproportionate percentage of students with disabilities, and whether schools have a disproportionate level of transiency among their student population.” Students with disabilities typically require accommodations, individualized attention, and related services to achieve educational progress. The presence of an educational disability identified through rigorous DOE regulations would inferentially have as much influence on educational achievement as poverty, limited English proficiency, and transiency. Moreover, without such a provision, there is a financial disincentive for teachers to opt to be special education instructors. This would exacerbate the current problem with recruitment and retention of special education teachers.

Third, for similar reasons, SCPD recommends adoption of the following (underlined) amendment at line 8:

The Department of Education shall designate ...the criteria that shall be used to determine whether a teacher shall be entitled to this supplement, provided....( c ) that to the extent that the criteria are based on student assessments, the assessments shall only be those that show students’ academic progress, including progress under portfolio or alternative assessments authorized by Section 151 of this title, over the course of a school year, ...

By exclusively focusing on “academic” assessment, the bill could be construed as excluding consideration of student progress based on alternate assessment for children with severe disabilities. The amendment would clarify that “academic” performance is broad enough to cover progress demonstrated through an alternate assessment of life skills which may not meet traditional notions of “academics”. Otherwise, there is a financial disincentive for teachers to be instructors of students with the most severe disabilities.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations on the proposed legislation.

cc: The Honorable Jack A. Markell  
The Honorable Mathew P. Denn  
Mr. Brian Hartman, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

Sb 67 teacher comp 5-09