
Delaware Register of Regulations

Issue Date: April 1, 2021
Volume 24 - Issue 10, Pages 893 - 949



IN THIS ISSUE:

Regulations:
Errata
Proposed
Final

Calendar of Events &
Hearing Notices



Pursuant to 29 **Del.C.** Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before March 15, 2021.

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

DELAWARE REGISTER OF REGULATIONS

The *Delaware Register of Regulations* is an official State publication established by authority of 69 *Del. Laws*, c. 107 and is published on the first of each month throughout the year.

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

The *Register* will also publish some or all of the following information:

- Governor's Executive Orders
 - Governor's Appointments
 - Agency Hearing and Meeting Notices
 - Other documents considered to be in the public interest.
-

CITATION TO THE DELAWARE REGISTER

The *Delaware Register of Regulations* is cited by volume, issue, page number and date. An example would be:

19 **DE Reg.** 1100 (06/01/16)

Refers to Volume 19, page 1100 of the *Delaware Register* issued on June 1, 2016.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135.00. Single copies are available at a cost of \$12.00 per issue, including postage. For more information contact the Division of Research at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

895

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action of an agency with respect to the making or consideration of a proposed adoption, amendment or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of such regulation may be reviewed by the Court as a defense in the action.

Except as provided in the preceding section, no judicial review of a regulation is available unless a complaint therefor is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
May 1	April 15	4:30 p.m.
June 1	May 17	4:30 p.m.
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 16	4:30 p.m.
October 1	September 15	4:30 p.m.

DIVISION OF RESEARCH STAFF

Mark Brainard, Joint Legislative Oversight Sunset Committee Analyst; **Amy Burke**, Administrative Specialist II; **Jeff Chubbs**, Research Analyst; **Mark J. Cutrona**, Director; **Deborah Gottschalk**, Sr. Legislative Attorney; **Robert Lupo**, Graphics and Printing Technician IV; **Colinda Marker**, Executive Assistant; **Amanda McAtee**, Joint Legislative Oversight Sunset Committee Analyst; **Kathleen Morris**, Fiscal Administrative Officer; **Nathan Poore**, Graphics and Printing Technician III; **Joel Rudnick**, Legislative Librarian; **Erika Schrader**, Assistant Registrar of Regulations; **Victoria Schultes**, Administrative Specialist III; **Don Sellers**, Print Shop Supervisor; **Yvette W. Smallwood**, Registrar of Regulations; **Holly Vaughn Wagner**, Deputy Director; **Cara Wilson**, Legislative Attorney; **Natalie White**, Administrative Specialist III.

TABLE OF CONTENTS

Cumulative Tables	898
-------------------------	-----

ERRATA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Division of Public Health

4462 Public Drinking Water Systems	904
--	-----

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Watershed Stewardship

7201 Regulations Governing the Control of Water Pollution	904
---	-----

PROPOSED

DEPARTMENT OF EDUCATION

Professional Standards Board

1503 Educator Mentoring	906
1543 Secondary Science Teacher	915
1561 Bilingual Teacher	920
1562 Teacher of English Learners	926
1574 Teacher of Students Who Are Deaf or Hard of Hearing	931
1583 School Psychologist	936

DEPARTMENT OF STATE

Division of Professional Regulation

1900 Board of Nursing	941
-----------------------------	-----

FINAL

DEPARTMENT OF AGRICULTURE

Harness Racing Commission

501 Harness Racing Rules and Regulations: Subsection 6.3.3.15	942
501 Harness Racing Rules and Regulations: Subsection 8.9.8	943

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Air Quality

1124 Control of Volatile Organic Compound Emissions: Section 36.0 Vapor Emission Control at Gasoline Dispensing Facilities	944
--	-----

DEPARTMENT OF STATE

Division of Professional Regulation

2930 Council on Real Estate Appraisers	947
--	-----

TABLE OF CONTENTS

897

CALENDAR OF EVENTS/HEARING NOTICES

Dept. of Education, Notice of Monthly Meeting.....	949
Dept. of State; Div. of Professional Regulation; Board of Nursing; Notice of Public Hearing and Public Comment Period.....	949

The table printed below lists the regulations that have been proposed, adopted, amended or repealed in the preceding issues of the current volume of the *Delaware Register of Regulations*.

The regulations are listed alphabetically by the promulgating agency, followed by a citation to that issue of the *Register* in which the regulation was published. Proposed regulations are designated with (Prop.); Final regulations are designated with (Final); Emergency regulations are designated with (Emer.); and regulations that have been repealed are designated with (Rep.).

DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM

1301 Delaware Criminal Justice Information System Rules and Regulations..... 24 **DE Reg.** 738 (Prop.)

DELAWARE SOLID WASTE AUTHORITY

502 Statewide Solid Waste Management Plan..... 24 **DE Reg.** 624(Prop.)

DELAWARE STATE FIRE PREVENTION COMMISSION

701 Administration and Enforcement..... 24 **DE Reg.** 743 (Prop.)

702 Fire Protection in Building Construction..... 24 **DE Reg.** 744 (Prop.)

703 Installation, Operation, Maintenance, Testing and Sales of Signaling Systems,
Fire Protection Systems and Fire Extinguishers..... 24 **DE Reg.** 745 (Prop.)

704 Hazardous Processes and Operations..... 24 **DE Reg.** 745 (Prop.)

705 General Fire Safety..... 24 **DE Reg.** 751 (Prop.)

710 Ambulance Service Regulations..... 24 **DE Reg.** 471 (Final)

DEPARTMENT OF AGRICULTURE**Delaware Agricultural Lands Preservation Foundation**

702 Regulations Governing the Delaware Agricultural Forestlands Preser-
vation Program..... 24 **DE Reg.** 437 (Prop.)
24 **DE Reg.** 860 (Final)

Delaware Forest Service

402 State Forest Regulations..... 24 **DE Reg.** 438 (Prop.)
24 **DE Reg.** 656 (Final)

Harness Racing Commission

501 Harness Racing Rules and Regulations..... 24 **DE Reg.** 443 (Prop.)
24 **DE Reg.** 625 (Prop.)
24 **DE Reg.** 662 (Final)
24 **DE Reg.** 752 (Prop.)

Plant Industries Section

805 Rules and Regulations for Delaware Domestic Hemp Production Program 24 **DE Reg.** 627 (Prop.)
24 **DE Reg.** 861 (Final)

Thoroughbred Racing Commission

1001 Thoroughbred Racing Rules and Regulations..... 24 **DE Reg.** 47 (Final)
24 **DE Reg.** 219 (Prop.)
24 **DE Reg.** 825 (Prop.)

DEPARTMENT OF EDUCATION**Office of the Secretary**

101 DELACARE: Regulations for Early Care and Education and School-Age
Centers..... 24 **DE Reg.** 14 (Prop.)
24 **DE Reg.** 267 (Final)

103 Regulations for Family and Large Family Care Homes..... 24 **DE Reg.** 16 (Prop.)
24 **DE Reg.** 272 (Final)

201 Child Placing Agencies..... 24 **DE Reg.** 18 (Prop.)
24 **DE Reg.** 274 (Final)

201 District and School Shared Decision Making..... 24 **DE Reg.** 445 (Prop.)
24 **DE Reg.** 770 (Final)

210 District School Board Member Special Education Due Process Hearing Training.....	24 DE Reg. 826 (Prop.)
211 Notice to School Boards of Due Process Proceedings.....	24 DE Reg. 828 (Prop.)
230 Promotion.....	24 DE Reg. 831 (Prop.)
252 Required Educational Records and Transfer and Maintenance of Educational Records.....	24 DE Reg. 97 (Prop.)
401 Major Capital Improvement Program.....	24 DE Reg. 348 (Final)
	24 DE Reg. 137 (Final)
405 Minor Capital Improvement Programs.....	24 DE Reg. 637 (Prop.)
502 Alignment of Local School District Curricula to the State Content Standards.....	24 DE Reg. 863 (Final)
505 High School Graduation Requirements and Diplomas.....	24 DE Reg. 142 (Final)
508 Multi-Tiered System of Support (MTSS).....	24 DE Reg. 833 (Prop.)
612 Possession, Use or Distribution of Drugs and Alcohol.....	24 DE Reg. 220 (Prop.)
	24 DE Reg. 536 (Final)
	24 DE Reg. 663 (Final)
729 School Custodians.....	24 DE Reg. 76 (Emer.)
	24 DE Reg. 100 (Prop.)
	24 DE Reg. 474 (Final)
731 School Food Service Employees.....	24 DE Reg. 448 (Prop.)
	24 DE Reg. 667 (Final)
	24 DE Reg. 515 (Emer.)
	24 DE Reg. 521 (Prop.)
	24 DE Reg. 774 (Final)
738 Financial Goals for Instruction and Instruction-related Expenditures.....	24 DE Reg. 225 (Prop.)
	24 DE Reg. 478 (Final)
817 Medications and Treatments.....	24 DE Reg. 81 (Emer.)
	24 DE Reg. 105 (Prop.)
	24 DE Reg. 351 (Final)
915 James H. Groves High School.....	24 DE Reg. 835 (Prop.)
922 Children with Disabilities Subpart A, Purposes and Definitions.....	24 DE Reg. 11 (Prop.)
	24 DE Reg. 671 (Final)
925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs..... l).....	24 DE Reg. 13 (Prop.)
	24 DE Reg. 673 (Final)
934 Regulations for Family and Large Family Child Care Homes.....	24 DE Reg. 453 (Prop.)
	24 DE Reg. 677 (Final)
1006 Delaware Interscholastic Athletic Association (DIAA).....	24 DE Reg. 538 (Final)
1008 DIAA Junior High and Middle School Interscholastic Athletics.....	24 DE Reg. 19 (Prop.)
	24 DE Reg. 539 (Final)
1009 DIAA High School Interscholastic Athletics.....	24 DE Reg. 21 (Prop.)
	24 DE Reg. 540 (Final)
1010 Interscholastic Athletic during the COVID-19 Pandemic.....	24 DE Reg. 87 (Emer.)
	24 DE Reg. 302 (Emer.)
	24 DE Reg. 208 (Emer.)
	24 DE Reg. 429 (Emer.)
1011 Interscholastic Athletics during the COVID-19 Pandemic.....	24 DE Reg. 313 (Prop.)
	24 DE Reg. 542 (Final)
1150 School Transportation.....	24 DE Reg. 145 (Final)
1203 Scholarship Incentive Program (SciP).....	24 DE Reg. 753 (Prop.)
Professional Standards Board	
1501 Salary Supplements for Educators.....	24 DE Reg. 523 (Prop.)
	24 DE Reg. 867 (Final)
1503 Educator Mentoring.....	24 DE Reg. 146 (Final)
1510 Issuance of Initial License.....	24 DE Reg. 642 (Prop.)
1520 Early Childhood Teacher.....	24 DE Reg. 227 (Prop.)
	24 DE Reg. 678 (Final)
1521 Elementary Teacher.....	24 DE Reg. 357 (Final)

CUMULATIVE TABLES

1531 Middle Level English Language Arts Teacher.....	24 DE Reg. 111 (Prop.)
1533 Middle Level Science Teacher.....	24 DE Reg. 683 (Final)
	24 DE Reg. 22 (Prop.)
1540 Secondary English Language Arts Teacher.....	24 DE Reg. 363 (Final)
	24 DE Reg. 115 (Prop.)
1570 Early Childhood Exceptional Children Special Education Teacher.....	24 DE Reg. 687 (Final)
	24 DE Reg. 27 (Prop.)
1571 Special Education Teacher of Students with Disabilities.....	24 DE Reg. 367 (Final)
1572 Teacher of Students Who Are Gifted or Talented.....	24 DE Reg. 48 (Final)
1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities.....	24 DE Reg. 372 (Final)
1580 School Library Media Specialist.....	24 DE Reg. 454 (Prop.)
	24 DE Reg. 775 (Final)
1581 School Reading Specialist.....	24 DE Reg. 458 (Prop.)
	24 DE Reg. 643 (Prop.)
1582 School Nurse.....	24 DE Reg. 649 (Prop.)
1583 School Psychologist.....	24 DE Reg. 758 (Prop.)
1584 School Social Worker.....	24 DE Reg. 527 (Prop.)
	24 DE Reg. 871 (Final)
1591 School Principal and Assistant School Principal.....	24 DE Reg. 232 (Prop.)
	24 DE Reg. 546 (Final)
1592 Certified Central Office Personnel.....	24 DE Reg. 238 (Prop.)
	24 DE Reg. 552 (Final)
1593 Superintendent or Assistant Superintendent.....	24 DE Reg. 245 (Prop.)
	24 DE Reg. 559 (Final)
1594 Special Education Director.....	24 DE Reg. 251 (Prop.)
	24 DE Reg. 567 (Final)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Delaware Health Care Commission

Delaware Health Insurance Individual Market Stabilization Reinsurance Program and Fund.....	24 DE Reg. 841 (Prop.)
--	------------------------

Division of Health Care Quality

3102 Long Term Care Transfer, Discharge and Readmission Procedures.....	24 DE Reg. 275 (Final)
3201 Skilled and Intermediate Care Nursing Facilities.....	24 DE Reg. 304 (Emer.)
	24 DE Reg. 315 (Prop.)
	24 DE Reg. 574 (Final)
3225 Assisted Living Facilities.....	24 DE Reg. 306 (Emer.)
	24 DE Reg. 317 (Prop.)
	24 DE Reg. 579 (Final)
3230 Rest (Residential) Home Regulations.....	24 DE Reg. 308 (Emer.)
	24 DE Reg. 320 (Prop.)
	24 DE Reg. 584 (Final)

Division of Medicaid and Medical Assistance

Modified Adjusted Gross Income (MAGI) Methodology: DSSM 16000.....	24 DE Reg. 847 (Prop.)
Title XIX Medicaid State Plan - Adult Dental.....	24 DE Reg. 784 (Final)
Title XIX Medicaid State Plan - Medication-Assisted Treatment (MAT).....	24 DE Reg. 851 (Prop.)
Title XIX Medicaid State Plan - Non-Emergency Medical Transportation (NEMT).....	24 DE Reg. 779 (Final)
Title XIX Medicaid State Plan - Streamline Application.....	24 DE Reg. 848 (Prop.)
Title XXI Delaware Healthy Children's Program State Plan - Health Services Initiatives - Vision Services - School-Based Initiative.....	24 DE Reg. 480 (Final)

Division of Public Health

4202 Control of Communicable and Other Disease Conditions.....	24 DE Reg. 434 (Emer.)
	24 DE Reg. 464 (Prop.)
	24 DE Reg. 732 (Emer.)

4202 Control of Communicable and Other Disease Conditions.....	24 DE Reg. 791 (Final)
4404 Free Standing Emergency Centers.....	24 DE Reg. 692 (Final)
4458 State of Delaware Food Code Regulations.....	24 DE Reg. 158 (Final)
4462 Public Drinking Water Systems.....	24 DE Reg. 322 (Prop.)
	24 DE Reg. 532 (Prop.)
	24 DE Reg. 794 (Final)
4470 State of Delaware Medical Marijuana Code.....	24 DE Reg. 258 (Prop.)
	24 DE Reg. 485 (Final)

Division of Social Services

Application Processing and Copay for the Child Care Subsidy Program:	
DSSM 11004.....	24 DE Reg. 120 (Prop.)
	24 DE Reg. 589 (Final)
Child Care Subsidy Program Terms: DSSM 11002.....	24 DE Reg. 55 (Final)
Defining Family Size for Child Care; DSSM 11003.9.3.....	24 DE Reg. 323 (Prop.)
	24 DE Reg. 700 (Final)
Determining Special Needs and Income Eligibility for Child Care: DSSM 11003	24 DE Reg. 164 (Final)
	24 DE Reg. 704 (Final)
POC - Changing Providers and Charging Fees: DSSM 11004.9.3 and 11006.4.2.....	24 DE Reg. 326 (Prop.)
	24 DE Reg. 696 (Final)
Terminating Food Benefits due to Substantial Lottery or Gambling Winnings: DSSM 9072.....	24 DE Reg. 259 (Prop.)
	24 DE Reg. 597 (Final)

DEPARTMENT OF HUMAN RESOURCES

State Employee Benefits Committee

2001 Group Health Care Insurance Eligibility an Enrollment Rules.....	24 DE Reg. 601 (Final)
---	------------------------

DEPARTMENT OF INSURANCE

Office of the Commissioner

902 Prohibited Unfair Claim Settlement Practices.....	24 DE Reg. 330 (Prop.)
903 Prompt Payment of Settled Claims.....	24 DE Reg. 32 (Prop.)
	24 DE Reg. 283 (Final)
1214 Suitability In Annuity Transactions.....	24 DE Reg. 533 (Prop.)
	24 DE Reg. 798 (Final)
1319 Arbitration of Disputes Between Carriers and Primary Care and Chronic Care Management Providers.....	24 DE Reg. 56 (Final)
1409 Insurance Coverage for Telemedicine and Telehealth.....	24 DE Reg. 488 (Final)
1411 Registration of Pharmacy Benefits Managers.....	24 DE Reg. 167 (Final)

DEPARTMENT OF LABOR

Division of Unemployment Insurance

1201 Unemployment Insurance Appeal Board Regulations (§4.2.1).....	24 DE Reg. 88 (Emer.)
	24 DE Reg. 286 (Final)
1201 Unemployment Insurance Appeal Board Regulations (§4.7.4)	24 DE Reg. 91 (Emer.)
	24 DE Reg. 517 (Emer.)
	24 DE Reg. 800 (Final)
1202 Unemployment Insurance Regulations.....	24 DE Reg. 173 (Final)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Air Quality

1124 Control of Volatile Organic Compound Emissions.....	24 DE Reg. 61 (Final)
Section 33.0 Solvent Cleaning and Drying.....	24 DE Reg. 465 (Prop.)
Section 36.0 Vapor Emission Control at Gasoline Dispensing Facilities....	24 DE Reg. 466 (Prop.)
1151 Prohibitions on Use of Certain Hydrofluorocarbons in Specific End-Uses	24 DE Reg. 876 (Final)

Division of Fish and Wildlife

3502 Striped Bass Spawning Season and Area Restrictions..... 24 **DE Reg.** 803 (Final)

3503 Striped Bass Recreational Fishing Seasons; Methods of Take; Creel
Limit; Possession Limit..... 24 **DE Reg.** 6 (Emer.)
24 **DE Reg.** 175 (Final)
24 **DE Reg.** 207 (Errata)
24 **DE Reg.** 803 (Final)

3504 Striped Bass Possession Size Limit; Exceptions..... 24 **DE Reg.** 6 (Emer.)
24 **DE Reg.** 175 (Final)
24 **DE Reg.** 207 (Errata)

3801 Shellfish Aquaculture..... 24 **DE Reg.** 310 (Emer.)
24 **DE Reg.** 736 (Emer.)

Division of Waste and Hazardous Substances

1301 Regulations Governing Solid Waste..... 24 **DE Reg.** 333 (Prop.)
24 **DE Reg.** 603 (Final)

1302 Regulations Governing Hazardous Waste..... 24 **DE Reg.** 127 (Prop.)
24 **DE Reg.** 711 (Final)

1351 Underground Storage Tank Systems..... 24 **DE Reg.** 467 (Prop.)
24 **DE Reg.** 806 (Final)

Division of Watershed Stewardship

7201 Regulations Governing the Control of Water Pollution..... 24 **DE Reg.** 468 (Prop.)
24 **DE Reg.** 882 (Final)

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Delaware Council on Police Training

801 Regulations of the Delaware Council on Police Training..... 24 **DE Reg.** 763 (Prop.)

Division of State Police

1300 Board of Examiners of Private Investigators & Private Security Agencies 24 **DE Reg.** 179 (Final)

2400 Board of Examiners of Constables..... 24 **DE Reg.** 180 (Final)

DEPARTMENT OF STATE

Division of Professional Regulation

100 Board of Accountancy..... 24 **DE Reg.** 490 (Final)

1100 Board of Dentistry and Dental Hygiene..... 24 **DE Reg.** 181 (Final)

1700 Board of Medical Licensure and Discipline..... 24 **DE Reg.** 857 (Prop.)

1770 Respiratory Care Practice Advisory Council..... 24 **DE Reg.** 713 (Final)

1900 Board of Nursing..... 24 **DE Reg.** 334 (Prop.)
24 **DE Reg.** 379 (Final)
24 **DE Reg.** 886 (Final)

2000 Board of Occupational Therapy Practice..... 24 **DE Reg.** 380 (Final)

2600 Examining Board of Physical Therapists and Athletic Trainers..... 24 **DE Reg.** 37 (Prop.)
24 **DE Reg.** 263 (Prop.)
24 **DE Reg.** 491 (Final)

2900 Real Estate Commission..... 24 **DE Reg.** 128 (Prop.)
24 **DE Reg.** 493 (Final)

2925 Real Estate Commission Education Committee..... 24 **DE Reg.** 95 (Emer.)
24 **DE Reg.** 335 (Prop.)
24 **DE Reg.** 715 (Final)

2930 Council on Real Estate Appraisers..... 24 **DE Reg.** 64 (Final)
24 **DE Reg.** 265 (Prop.)

3100 Board of Funeral Services..... 24 **DE Reg.** 65 (Final)

3500 Board of Examiners of Psychologists..... 24 **DE Reg.** 858 (Prop.)

3800 Board of Dietetics/Nutrition..... 24 **DE Reg.** 340 (Prop.)
24 **DE Reg.** 764 (Prop.)

4100 Board of Home Inspectors..... 24 **DE Reg.** 606 (Final)

5300 Board of Massage and Bodywork..... 24 **DE Reg.** 9 (Emer.)

Office of the State Bank Commissioner

801 Application to Become a Delaware Bank Holding Company.....	24 DE Reg. 382 (Final)
1101 Election to be Treated for Tax Purposes as a “Subsidiary Corporation” of a Delaware Chartered Banking Organization or Trust Company, National Bank Having its Principal Office in Delaware, or Out-of-State Bank That Operates a Resulting Branch in Delaware.....	24 DE Reg. 385 (Final)
1104 Estimated Franchise Tax Report.....	24 DE Reg. 387 (Final)
1105 Final Franchise Tax Report.....	24 DE Reg. 388 (Final)
1107 Estimated Franchise Tax Report Federal Savings Banks Not Headquartered in Delaware.....	24 DE Reg. 389 (Final)
1108 Final Franchise Tax Report Federal Savings Banks Not Headquartered in Delaware.....	24 DE Reg. 390 (Final)
1111 Estimated Franchise Tax Report for Resulting Branches in this State of Out-of-State Banks.....	24 DE Reg. 391 (Final)
1112 Final Franchise Tax Report for Resulting Branches in this State of Out-of-State Banks.....	24 DE Reg. 392 (Final)
1114 Alternative Franchise Tax.....	24 DE Reg. 394 (Final)
1201 Policies and Procedures Regarding FOIA Requests.....	24 DE Reg. 400 (Final)

Public Service Commission

8002 Rules to Establish an Excavation Damage Prevention Program.....	24 DE Reg. 40 (Prop.)
	24 DE Reg. 607 (Final)
8003 Natural Gas Service Reliability and System Planning Standards.....	24 DE Reg. 405 (Final)

DEPARTMENT OF TRANSPORTATION

Division of Motor Vehicles

2222 School Bus Driver Qualifications and Endorsements.....	24 DE Reg. 129 (Prop.)
	24 DE Reg. 407 (Final)
2224 Defensive Driving Course, Providers and Instructors.....	24 DE Reg. 654 (Prop.)
	24 DE Reg. 859 (Prop.)

Division of Transportation Solutions

2404 Delaware Traffic Calming Design Manual.....	24 DE Reg. 408 (Final)
--	-------------------------------

OFFICE OF THE STATE TREASURER

Cash Management Policy Board

1201 Statement of Objectives and Guidelines for the Investment of State of Delaware Funds.....	24 DE Reg. 345 (Prop.)
	24 DE Reg. 716 (Final)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)c (16 **Del.C.** §122(3)c)
16 **DE Admin. Code** 4462

ERRATA**4462 Public Drinking Water Systems**

***Please Note:** The final regulation for 4462 Public Drinking Water Systems as published in the February 1, 2021 issue of the *Delaware Register of Regulations* contained a typographical error in the final order. The order inadvertently referenced a different regulation and stated that “the proposed State of Delaware Regulations Governing Control of Communicable and Other Disease Conditions is adopted and shall become effective February 11, 2021, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.”

This part of the final order is reprinted below with the error corrected. The effective date for the final order and regulation appearing in the February *Register* remains the same.

4462 Public Drinking Water Systems

THEREFORE, IT IS ORDERED, that the proposed State of Delaware Regulations Governing Public Drinking Water Systems is adopted and shall become effective February 11, 2021, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

***Please Note:** The full text of the final regulation is not being republished. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/february2021/final/24%20DE%20Reg%20794%2002-01-21.htm>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF WATERSHED STEWARDSHIP**

Statutory Authority: 7 Delaware Code, Sections 6006 and 6010 (7 **Del.C.** §§6006 & 6010)
7 **DE Admin. Code** 7201

ERRATA**Amendment to Secretary's Order No.: 2021-WSS-0004****7201 Regulations Governing the Control of Water Pollution**

***Please Note:** The Secretary's Order that approved **Final Regulatory Amendments to 7 DE Admin. Code 7201: Regulations Governing the Control of Water Pollution, Part 2 – Special Conditions for Stormwater Discharges from Construction Activities**, as published in the March 1, 2021 issue of the *Delaware Register of Regulations* (24 DE Reg. 882) by the State Registrar's Office, contained the following clerical error:

Under the first section of the Order, “**Background, Procedural History and Findings of Fact,**” labeled as page 884 in the published .pdf version of said document in the aforementioned March 1, 2021 issue, in the last sentence of the second paragraph therein, the word “constructive” should have been “construction.” The sentence containing the error is reprinted below, with the error corrected:

The TRM also incorporated a CGP Fact Sheet that provides a very detailed description of the CGP permit development performed by the Department and offers the requisite reasoning as to why a general permit for ~~constructive~~ construction activities is the appropriate approach for the Department to take in this matter.

The regulatory text itself, as previously published by the State Registrar as referenced above, is accurate.

DATE: March 15, 2021

Shawn M. Garvin
Secretary

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text. Language which is ~~stricken~~ through indicates text being deleted.

Proposed Regulations

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1210(c), and 1212 (14 **Del.C.** §§1203, 1205(b), 1210(c) & 1212)
14 **DE Admin. Code** 1503

PUBLIC NOTICE**Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****1503 Educator Mentoring****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), 1210(c), and 1212, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1503 Educator Mentoring. The regulation concerns mentoring requirements for licensed educators in Delaware public schools. The proposed amendments include revising the title of the regulation; adding "Administrator Mentor" as a defined term, revising several defined terms, and striking several defined terms in Section 2.0; revising Section 3.0, which concerns the requirements for comprehensive educator induction programs for teachers and specialists; revising Sections 4.0 through 7.0, which concern the requirements for years one, two, three, and four, respectively, of the comprehensive educator induction program for teachers and specialists who hold an initial license; revising Section 8.0, which concerns the requirements of the comprehensive educator induction program for teachers and specialists who hold a continuing or advance license and are new to an area; adding Section 9.0, which concerns the requirements for comprehensive educator induction programs for administrators; adding Section 10.0, which concerns the requirements for year one of the comprehensive educator induction program for administrators who hold an initial, continuing, or advanced license; adding Sections 11.0 and 12.0, which concern the requirements for years two and three and four, respectively, of

the comprehensive educator induction program for administrators who hold an initial license; revising Section 13.0, which concerns the duties and responsibilities of mentors; revising and clarifying Section 14.0, which concerns mentors' eligibility for salary supplements; and revising Section 15.0, which concerns the Department's requirement to report data on comprehensive educator induction programs to the Board.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The requirements for comprehensive educator induction programs are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The requirements for comprehensive educator induction programs are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses mentoring requirements for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses mentoring requirements for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. School districts and charter schools have the option to develop and implement a distinct comprehensive induction program for educators and teachers (subsection 3.2) and administrators (subsection 9.2).

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The Department collects data from schools to evaluate comprehensive educator induction programs (Section 14.0). Under the proposed regulation, the Department would report such data to the Board upon the Board's request.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There are no additional expected costs to the state and to the local school boards of complying with this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 906RFA 04-01-21.pdf>

1503 ~~Educator Mentoring~~ Comprehensive Educator Induction Programs

1.0 Content

This regulation shall apply to comprehensive induction programs, including mentoring and professional development activities required of ~~educators~~ licensed Educators in Delaware public schools, pursuant to 14 **Del.C.** Ch. 12.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise~~:

“Administrator Mentor” means a certified administrator who holds a Continuing License, is currently employed as an administrator, performs the duties and responsibilities in the State’s administrator mentor program, and is rated as satisfactory on the State’s current evaluation system or the equivalent thereof on a state-approved alternative educator evaluation system. A certified administrator is an Educator who holds at least one of the following Standard Certificates: School Principal and Assistant School Principal Standard Certificate (14 **DE Admin. Code** 1591), Certified Central Office Personnel Standard Certificate (14 **DE Admin. Code** 1592), Superintendent and Assistant Superintendent Standard Certificate (14 **DE Admin. Code** 1593), and Special Education Director Standard Certificate (14 **DE Admin. Code** 1594).

“Approved Comprehensive Induction Program” means ~~all educator induction programs, including mentoring and professional development, approved by the Department to provide mentoring and professional development for educators~~ an educator induction program approved by the Department to provide mentoring and professional development for Educators.

“Contact Hours” means the face-to-face time a ~~Teacher or Specialist Mentor or Lead Mentor~~ spends with ~~his or her~~ the mentor’s mentee working specifically on mentoring activities, which may include a combination of in-school and after school time and virtual or electronic communication.

“Department” means the Delaware Department of Education.

“DPAS II” means ~~Delaware Performance Appraisal System II, an approved State educator performance evaluation system pursuant to 14 Del.C. Ch. 12, Subchapter VII.~~

“Educator” means a person ~~licensed and certified~~ who holds an active license issued by the State Department under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, ~~pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board and is currently employed by a district or charter school.~~

“Employing Authority” means any entity which employs ~~educators~~ Educators, and includes, ~~but is not limited to,~~ school districts, charter schools, boards of directors, and management companies.

“Experienced Educator” is an educator who holds a Continuing or Advanced License.

“Teacher or Specialist Lead Mentor” means a teacher, ~~specialist, or administrator~~ or specialist who holds a Continuing or Advanced License, has participated in the training approved by the Department for ~~Teacher or Specialist Lead Mentors~~, is employed by an ~~employing authority~~ Employing Authority as a ~~Teacher or Specialist Lead Mentor~~, and performs the duties and responsibilities assigned that position. ~~Educators serving as Teacher or Specialist Lead Mentors must be rated as Highly Effective or Effective on DPAS II evaluations, are those that have all satisfactory evaluations on the State’s current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on a DPAS II an improvement plan, or the equivalent thereof in a state-approved alternative educator evaluation system. Teacher or Specialist Lead Mentors oversee the comprehensive induction program at the building level, train Teacher or Specialist Mentors, and provide support to teachers or specialists in years three and four of the program as provided in Section 13.0. Teacher or Specialist Lead Mentors may mentor an Educator in years one and two of the program as provided in Sections 4.0 and 5.0.~~

~~“License” means a credential which authorizes the holder to engage in the practice for which the license is issued.~~

~~“Teacher or Specialist Mentor” means an educator~~ Educator who holds a Continuing or Advanced License and has participated in the training for ~~Mentors~~ mentors of teachers and specialists specified by the Department and the ~~employing authority~~ Employing Authority. Educators serving as Teacher or Specialist Mentors must be rated as Highly Effective or Effective on DPAS II evaluations, are those that have satisfactory evaluations on the State’s current evaluation system, or the equivalent thereof on a state-approved alternative educator evaluation system, during the school year in which they are mentors and may not be on a DPAS II Improvement Plan an improvement plan, or the equivalent thereof in a state-approved alternative educator evaluation system. Teacher or Specialist Mentors provide one-to-one support for Educators in years one and two of the program and may be eligible for an additional responsibility assignment salary supplement as provided in Section 14.0.

~~“Mentoring” means activities, training and service in mentoring support or assistance provided through a formally organized approved comprehensive induction program or such supplemental mentoring programs as required by regulation or by the educator’s employing authority~~ Educator’s Employing Authority. Mentoring includes, but is not limited to the mentoring that occurs in the approved comprehensive induction programs required for ~~educators~~ Educators during their four (4) year Initial Licensure period, Continuing Licensure period, or any other mentoring program as required by law.

~~“New to an Area” means that an educator has moved from the position of a teacher to the position of either a specialist or an administrator; has moved from the position of an administrator to the position of a teacher or a specialist; or has moved from the position of a specialist to the position of a teacher, an administrator, or to a different type of certificated specialist position. Examples include but are not limited to a teacher changing positions to a school nurse, or a teacher changing positions to a principal or assistant principal, or a school nurse changing positions to a school counselor, or a teacher changing positions to a school counselor.~~

~~“Novice Educator” means an educator who holds an Initial License.~~

~~“Site Coordinator” means an individual appointed by an employing authority~~ Employing Authority to oversee an ~~approved comprehensive induction program~~ Approved Comprehensive Induction Program for teachers and specialists at the district or charter school.

~~“Specialist” is an educator~~ Educator other than a teacher or administrator ~~and includes, but is not limited to, School Counselors, Library Media Specialists, School Psychologists, and School Nurses.~~

~~“Standards Board” means the Professional Standards Board established pursuant to 14 Del.C. §1201.~~

~~“State Board” means the State Board of Education pursuant to 14 Del.C. §104.~~

3.0 Comprehensive Educator Induction Programs for Teachers and Specialists

- 3.1 The Department shall develop and approve comprehensive educator induction programs for the following ~~teachers and specialists~~:
 - 3.1.1 The teachers’ program shall be aligned with ~~Delaware Teaching Standards set forth in 14 DE Admin. Code 1597 Delaware Professional Teaching Standards~~ applicable state standards for teachers and shall include training and support of the components of ~~DPAS II~~ the State’s current evaluation system or a state-approved alternative educator evaluation system, including descriptive, non-evaluative feedback.
 - 3.1.2 The specialists’ program shall be aligned with applicable national ~~specialist standards for~~ specialists and shall include training and support of the components of ~~DPAS II~~ the State’s current evaluation system or a state-approved alternative educator evaluation system, including descriptive, non-evaluative feedback.
 - 3.1.3 The administrators’ program shall be based on ~~14 DE Admin. Code 1590 Delaware Administrator Standards~~ and shall include training and support of the components of ~~DPAS II or a state-approved alternative educator evaluation system, including descriptive, non-evaluative feedback.~~

PROPOSED REGULATIONS

- 3.2 An ~~employing authority~~ Employing Authority may develop and then implement a distinct comprehensive induction program for teachers and specialists as specified in Sections 4.0, 5.0, 6.0, 7.0, 8.0, and ~~9-0~~ 13.0 of this regulation.
- 3.2.1 Each comprehensive induction program shall meet the requirements in the distinct mentoring programs as specified in Sections 4.0, 5.0, 6.0, 7.0, 8.0, and ~~9-0~~ 14.0 of this regulation.
- 3.2.2 The ~~employing authority~~ Employing Authority shall submit each distinct comprehensive induction program plan to the Department for review and consideration of approval according to the application procedure and timelines set by the Department.
- 3.3 ~~An Educator is required to complete either the State's program or the Educator's Employing Authority's program that has been preapproved by the Department.~~ Failure by ~~an educator~~ the Educator to successfully complete the requirements of an Approved Comprehensive Induction Program shall may result in the denial of ~~the an application for a~~ Continuing License or ~~suspension of the license disciplinary action~~ as provided in 14 DE Admin. Code 1510 Initial License and 14 DE Admin. Code 1511 Issuance and Renewal of Continuing License.
- 3.4 The Department shall also develop ~~the following programs:~~ a training for Teacher or Specialist Lead Mentors. Teacher or Specialist Lead Mentors are required to complete the training yearly in order to receive an additional responsibility salary supplement as provided in 14 DE Admin. Code 1501 Salary Supplements for Educators.
- 3.4.1 A training program for Lead Mentors, and
- 3.4.2 A training program for Administrator Lead Mentors.

4.0 Novice Educators in Their First Year of Employment Year One of the Comprehensive Educator Induction Program for Initial License Holders (Teachers and Specialists)

- 4.1 ~~In accordance with 14 Del.C. §1210(c), an educator who holds an Initial License as his or her first license and intends to apply for a Continuing License shall complete the professional development and mentoring activities specified in subsection 4.2 of this regulation within the educator's first year of employment.~~
- 4.24.1 Within the first year of employment, the Novice ~~In year one of the program, the Educator shall:~~
- 4.2.14.1.1 At a minimum, meet have weekly Contact Hours with his or her assigned the Educator's Teacher or Specialist Mentor, which may include a combination of in-school and after school time and virtual or electronic communication.
- 4.2.1.14.1.1.1 ~~The employing authority shall assign the Novice Educator a Mentor~~ Teacher or Specialist Lead Mentor or Site Coordinator shall match the Educator with a Teacher or Specialist Mentor.
- 4.2.1.24.1.1.2 The Teacher or Specialist Mentor shall assist the Novice Educator in becoming acclimated to the role, the school or other setting, the Delaware content standards, and the Delaware Professional Teaching Standards or applicable national specialist standards the applicable state standards for teachers or national standards for specialists.
- 4.2.24.1.2 Complete the requirements of an ethics course that has been approved by the Department.
- 4.2.34.1.3 Be observed a minimum of four (4) times by his or her assigned the Educator's Teacher or Specialist Mentor.
- 4.2.44.1.4 Participate in a minimum of two (2) professional learning experiences designed to provide new educators teachers or specialists with the support necessary to become familiar with school and district policies and procedures, hone their professional skills, help them evaluate and reflect upon their own professional performance, and develop an individualized growth plan to improve their effectiveness as planned by the Department or the employing authority Employing Authority.
- 4.2.54.1.5 Observe experienced educators in practice licensed and certified Educators who exemplify best practices a minimum of four (4) times, reflecting upon what was seen, implementing strategies learned, and reflecting upon the Novice Educator's own performance.

5.0 ~~Novice Educators in Their Second Year of Employment~~ Year Two of the Comprehensive Educator Induction Program for Initial License Holders (Teachers and Specialists)

- 5.1 ~~In accordance with 14 **Del.C.** §1210(c), an educator who holds an Initial License and intends to apply for a Continuing License shall complete the professional development and mentoring activities specified in subsection 5.2 of this regulation within the educator's second year of employment.~~
- 5.25.1 ~~Within the second year of employment, the Novice~~ In year two of the program, the Educator shall:
- 5.2.15.1.1 ~~At a minimum, meet hold weekly Contact Hours with his or her assigned the Educator's Teacher or Specialist Mentor, which may include a combination of in-school and after-school time and virtual or electronic communication.~~
- 5.2.1.15.1.1.1 ~~The employing authority shall assign the Novice Educator a Mentor Teacher or Specialist Lead Mentor or Site Coordinator shall match the Educator with a Teacher or Specialist Mentor if the Educator's previous Teacher or Specialist Mentor is not able to continue or is not an appropriate match.~~
- 5.2.1.25.1.1.2 ~~The Teacher or Specialist Mentor shall assist the Licensee Educator in becoming acclimated to the role, the school or other setting, the Delaware content standards, and the Delaware Professional Teaching Standards or applicable national specialist standards the applicable state standards for teachers or national standards for specialists.~~
- 5.2.25.1.2 ~~Be observed a minimum of four (4) times by his or her assigned the Educator's Teacher or Specialist Mentor.~~
- 5.2.35.1.3 ~~Participate in a minimum of two (2) professional learning experiences designed to provide new educators teachers or specialists with the support necessary to become familiar with school and district policies and procedures, hone their professional skills, help them evaluate and reflect upon their own professional performance, and develop an individualized growth plan to improve their effectiveness as planned by the Department or the employing authority Employing Authority.~~
- 5.2.45.1.4 ~~Observe experienced educators in practice licensed and certified Educators who exemplify best practice a minimum of four (4) times, reflecting upon what was seen, implementing strategies learned, and reflecting upon the Novice Educator's own performance.~~
- 5.35.2 ~~The assignment of a Teacher or Specialist Mentor beyond the second year of employment in Delaware year two of the program is at the discretion of the employing authority Employing Authority, based upon a review of the Novice Educator's performance.~~
- 5.45.3 ~~Notwithstanding subsection 5.3 5.2 of this regulation, the employing authority Employing Authority shall provide continuing support to the Novice Educator beyond his or her second year of employment the Educator's year two of the program until the Novice Educator's Initial License has expired, including, but not limited to, ensuring a Teacher or Specialist Lead Mentor monitors the educator's Educator's progress toward meeting the requirements set forth in subsection 6.2 6.1 of this regulation.~~

6.0 ~~Novice Educators in Their Third and Fourth Years of Employment~~ Third and Fourth Years of the Comprehensive Educator Induction Program for Initial License Holders (Teachers and Specialists)

- 6.1 ~~In accordance with 14 **Del.C.** §1210(c), an educator who holds an Initial License and intends to apply for a Continuing License shall complete the professional development and mentoring activities specified in subsection 6.2 of this regulation within the educator's third and fourth years of employment.~~
- 6.26.1 ~~The Novice Educator shall:~~
- 6.2.16.1.1 ~~Within his or her third year of employment, During year three of the program, the Educator shall participate in a Professional Learning Community (PLC) specific to the statewide or an alternative mentoring program that focuses on using data to make instructional decisions that best meet the needs of his or her the Educator's students.~~
- 6.2.26.1.2 ~~Within his or her fourth year of employment During year four of the program, the Educator shall:~~
- 6.2.2.16.1.2.1 ~~Conduct a self-analysis to assess his or her the Educator's professional development learning needs in content knowledge and pedagogical skills; and~~

PROPOSED REGULATIONS

~~6-2-26.1.2.2~~ Develop and implement a personalized professional growth plan that addresses his or her the Educator's individual needs identified through the self-analysis.

7.0 ~~Experienced Educators New to the State of Delaware~~ Comprehensive Educator Induction Program for Continuing or Advanced License Holders Who Are New to the State (Teachers and Specialists)

- 7.1 ~~Experienced educators new to the State of Delaware who hold a Continuing or Advanced License shall, within the first year of employment, participate in, and successfully complete, an approved comprehensive induction program.~~ The educator Educator shall either:
- 7.1.1 Participate in a Professional Learning Community (PLC) as provided in subsection ~~6-2-4~~ 6.1.1 of this regulation; or
- 7.1.2 Conduct a self-analysis and develop and implement a personalized professional growth plan as provided in subsection ~~6-2-2~~ 6.1.2 of this regulation.

8.0 ~~Experienced Educators New to an Area~~ Comprehensive Educator Induction Program for Continuing or Advanced License Holders Who Are New to an Area (Teachers and Specialists)

- 8.1 ~~Experienced educators~~ Educators who are new to an area shall, within the first year of employment, be assigned a ~~Mentor~~ mentor and participate in and complete an ~~approved comprehensive induction program~~ Approved Comprehensive Induction Program consisting of the professional development and mentoring activities specified in subsection 8.2 of this regulation, which address the ~~educator's~~ Educator's specific needs and which focus on current best practices in curriculum, instruction, assessment or a specialist's ~~or an administrator's~~ position within the district or charter school and is aligned to State ~~and~~ or national standards. An Educator is new to an area if the Educator has moved from the position of a teacher to the position of a specialist; has moved from the position of an administrator to the position of a teacher or a specialist; or has moved from the position of a specialist to the position of a teacher or to a different type of certificated specialist position. Examples include a teacher changing positions to a school nurse, a school nurse changing positions to a school counselor, or a school counselor changing positions to a teacher.
- 8.2 ~~Within~~ During the first year of employment ~~in a new area~~, an experienced educator who is new to an area ~~the Educator~~ shall:
- 8.2.1 At a minimum, meet weekly with ~~his or her assigned Mentor~~ the Educator's mentor, which may include a combination of in-school and after school time and virtual or electronic communications.
- 8.2.1.1 ~~The employing authority shall assign the educator a Mentor~~ Employing Authority shall match the Educator with a mentor.
- 8.2.1.2 ~~The Mentor~~ mentor shall assist the ~~educator~~ Educator in becoming acclimated to the role, the school or other setting, the Delaware content standards, and the ~~Delaware Professional Teaching Standards or applicable national specialist or administrator standards~~ applicable state standards for teachers or national standards for specialists.
- 8.2.2 Be observed a minimum of four (4) times by ~~his or her assigned Mentor~~ the Educator's mentor.
- 8.2.3 Participate in a minimum of two (2) professional learning experiences designed to provide ~~educators~~ Educators who are new to an area with the support necessary to become familiar with school and district policies and procedures, hone their professional skills, help them evaluate and reflect upon their own professional performance, and develop an individualized growth plan to improve their effectiveness as planned by the Department or the ~~employing authority~~ Employing Authority.
- 8.2.4 Observe ~~educators~~ Educators who have experience in the area in practice a minimum of four (4) times, reflecting upon what was seen, implementing strategies learned, and reflecting upon the ~~educator's~~ Educator's own performance.

9.0 Comprehensive Educator Induction Programs for Administrators

- 9.1 The Department shall develop and implement comprehensive educator induction programs for administrators. The administrators' program shall be based the applicable national standards for administrators.
- 9.2 An Employing Authority may develop and then implement a distinct comprehensive induction program for administrators as specified in Sections 8.0, 10.0, 11.0, 12.0, and 13.0 of this regulation.
- 9.2.1 Each comprehensive induction program shall meet the requirements in the distinct mentoring programs as specified in Sections 8.0, 10.0, 11.0, 12.0, and 13.0 of this regulation.
- 9.2.2 The Employing Authority shall submit each distinct comprehensive induction program plan to the Department for review and consideration of approval according to the application procedure and timelines set by the Department.
- 9.3 All Educators who are new to administration or who are new to the state and hold a Continuing or Advanced License, regardless of the standard certificates held, shall complete year one of the program.
- 9.4 For Educators who are new to the state and hold an Initial License, regardless of the standard certificates held, shall complete year one through year four of the program.
- 9.5 An Educator is required to complete either the State's program or the Educator's Employing Authority's program that has been preapproved by the Department. Failure by the Educator to successfully complete the requirements of an Approved Comprehensive Induction Program may result in the denial of an application for a Continuing License or disciplinary action as provided in 14 **DE Admin. Code** 1510 Initial License and 14 **DE Admin. Code** 1511 Issuance and Renewal of Continuing License.
- 9.6 The Department shall provide a program for all Administrator Mentors regardless of whether their Employing Authority develops and implements a program as provided in subsection 9.2. Administrator Mentors are required to complete the program yearly in order to receive an additional responsibility salary supplement as provided in 14 **DE Admin. Code** 1501 Salary Supplements for Educators.

10.0 Year One of the Comprehensive Educator Induction Program for Administrators

- 10.1 During year one of the program, the Educator shall:
- 10.1.1 Attend at least 12 hours of the approved professional learning that is aligned to the approved national standards for administrators.
- 10.1.2 At a minimum meet once monthly with the Educator's mentor to complete the requirements included in the Administrator Mentor Program.

11.0 Year Two of the Comprehensive Educator Induction Program for Initial License Holders (Administrators)

During year two of the program, the Educator shall complete 20 hours of coaching activities aligned to the approved national standards for administrators.

12.0 Years Three and Four of the Comprehensive Educator Induction Program for Initial License Holders (Administrators)

- 12.1 During years three and four of the program, the Educator shall:
- 12.1.1 Conduct a self-analysis to assess the Educator's professional learning needs in content knowledge and pedagogical skills; and
- 12.1.2 Develop and implement a personalized professional growth plan that addresses the Educator's individual needs identified through the self-analysis.

9-013.0 Duties and Responsibilities of Mentors

- 9-413.1 Teacher or Specialist Lead Mentors shall:
- 9-4-113.1.1 Complete the annual approval process as defined by the Department.

PROPOSED REGULATIONS

- ~~9.1.2~~13.1.2 ~~Oversee the school-level implementation of an approved comprehensive induction program~~ Approved Comprehensive Induction Program, including but not limited to, a combination of in-school and after school activities, serving in a leadership role within the program, monitoring ~~educators'~~ Educators' progress toward meeting the requirements of Sections 4.0, 5.0, 6.0, 7.0, and 8.0 of this regulation, planning mentor training, providing mentor training to aspiring mentors, assisting mentors with specific issues, and other responsibilities as directed by the Site Coordinator.
- ~~9.1.3~~13.1.3 ~~Teacher and or Specialist Lead Mentors shall satisfactorily complete training in mentoring and coaching development approved by the Department for Teacher or Specialist Lead Mentors. A minimum of one (4) Teacher or Specialist Lead Mentor per district or charter school shall be trained in the applicable Department approved specific specialist mentoring program.~~
- ~~9.1.4~~ ~~Administrator Lead Mentors shall satisfactorily complete training in mentoring and coaching development approved by the Department and based on 14 DE Admin. Code 1590 Delaware Administrator Standards.~~
- ~~9.2~~13.2 ~~Educator~~Teacher or Specialist Mentors shall:
- ~~9.2.1~~13.2.1 Complete the annual approval process as defined by the Department.
- ~~9.2.2~~13.2.2 Facilitate mentoring activities as specified in Sections 4.0, 5.0, and 8.0 of this regulation, which may include a combination of in school and after school time and virtual or electronic communication with their mentees annually which are designed to help the ~~new~~ teacher or specialist acquire additional skills and knowledge appropriate to their specific positions.
- ~~9.2.3~~13.2.3 Submit contact log documentation accounting for all mentoring activities provided during the specified time period to their Site Coordinator ~~by May 15.~~
- ~~9.2.4~~13.2.4 ~~Teacher and or Specialist Mentors also shall:~~
- ~~9.2.4.1~~13.2.4.1 Satisfactorily complete training in mentoring and ~~coaching~~ development aligned with the appropriate Department approved specific teacher or specialist mentoring program provided by the Teacher or Specialist Lead Mentors.
- ~~9.2.4.2~~13.2.4.2 Attend structured meetings concerning the ~~approved comprehensive induction program~~ Approved Comprehensive Induction Program as directed by the ~~employing authority~~ Employing Authority.
- ~~9.2.5~~ ~~Administrator Mentors also shall:~~
- ~~9.2.5.1~~ Satisfactorily ~~complete training in mentoring and coaching development based on 14 DE Admin. Code 1590 Delaware Administrator Standards and aligned with DPAS II or a state approved alternative educator evaluation system.~~
- ~~9.2.5.2~~ Satisfactorily ~~complete training in DPAS II or a state approved alternative educator evaluation system.~~
- ~~9.2.5.3~~ Attend a minimum of three (3) structured meetings with mentees, including but not limited to, team level, school level, district level, and community level meetings or events.
- 13.3 Administrator Mentors shall satisfactorily complete all of the requirements of the mentor program provided by the Department.

~~40.014.0~~Payment of Salary Supplement

~~Mentors and Lead Mentors~~ Administrator Mentors, Teacher or Specialist Lead Mentors, and Teacher or Specialist Mentors in years one and two of the program who are paid in accordance with the provisions of 14 Del.C. §1305 ~~shall~~ may be paid an additional responsibility assignment salary supplement annually, upon documentation of satisfactory fulfillment of duties and responsibilities, as provided in 14 DE Admin. Code 1501 Salary Supplements for Educators. A Teacher or Specialist Mentor is not eligible for and shall not be paid an additional responsibility assignment salary supplement if the mentor is assigned to an Educator who, at the Employing Authority's discretion, is required to repeat year one or year two of the program or is assigned beyond year two of the program.

44-015.0 Reporting

The Department shall require and collect data used to evaluate the Approved Comprehensive Induction Programs and shall ~~provide an annual presentation~~ present the data to the Professional Standards Board upon request. These data will include at a minimum, an assessment of the implementation of the Approved Comprehensive Induction Program and ~~Mentors'~~ mentors' and ~~Mentees'~~ mentees' compliance and delivery.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1543

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1543 Secondary Science Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1543 Secondary Science Teacher. The regulation concerns the requirements for a Secondary Science Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include specifying the required certificates for teachers who are assigned to teach integrated science courses in subsection 1.2.1; specifying the required certificates for teachers who are assigned to teach physical science courses in subsection 1.2.2; adding defined terms to Section 2.0; clarifying the requirements for issuing a Secondary Science Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Secondary Science Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Secondary Science Teacher Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended

regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Secondary Science Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 915RFA 04-01-21.pdf>

1543 Secondary Science Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a ~~Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for Secondary Science Teacher in the individual secondary science curricular areas of Biology, Chemistry, Earth Science, Integrated Science, Physical Science, and Physics~~ Secondary Science Teacher Standard Certificate in the individual secondary science curricular areas of Biology, Chemistry, Earth Science, Integrated Science, Physical Science, and Physics pursuant to 14 **Del.C.** §1220(a).
- 1.2 An ~~educator~~ Educator shall hold a Standard Certificate in each secondary science curricular area the ~~educator is teaching;~~ Educator teaches in grades nine (9) to ~~twelve (12)~~ 12 in Delaware public schools unless subsection 1.2.1 or 1.2.2 applies.
- 1.2.1 ~~Notwithstanding the requirements in 1.2, a secondary science teacher who holds a Standard Certificate in each of the secondary science curricular areas within a discrete integrated science course, may teach the course without holding a Standard Certificate~~ Secondary Science Teacher Integrated Science An Educator who is assigned to teach an integrated science course may hold a Secondary Science Teacher Standard Certificate in any of the secondary science curricular areas relevant to the course the Educator is assigned to teach.
- 1.2.2 An Educator who is assigned to teach a physical science course may hold a Secondary Science Teacher Standard Certificate in the secondary curricular areas of Biology, Chemistry, Earth Science, Physical Science, or Physics.
- 1.3 ~~Any~~ The Secondary Science Teacher Standard Certificate in any secondary science curricular area may be used in lieu of 14 ~~DE Admin. Code~~ 1533 Middle Level Science Teacher for teachers teaching

~~middle level science in grades six (6) to eight (8) for grades 6, 7, 8 in a middle level Delaware public school in lieu of the Middle Level Science Teacher Standard Certificate.~~

- 1.4 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

2.0 Definitions

~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

The following words and terms, when used in this regulation, shall have the following meaning:

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 Del.C. Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Passing Score" means a minimum score established by the Standards Board in consultation with the Department and with the approval of the State Board of Education.

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Secondary Science Teacher Standard Certificate ~~as a Secondary Science Teacher~~ in the individual secondary science curricular areas of Biology, Chemistry, Earth Science, Integrated Science, Physical Science, and Physics to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a ~~Limited Standard, Standard or Professional Status Certificate~~ issued by the Department prior to August 31, 2003; ~~and, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or~~

3.1.2 ~~Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto.~~ Has met the requirements for licensure and presents proof of a Valid and Current License or Certificate as a secondary science teacher in the secondary science curricular area sought.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for Secondary Science Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 Testing Prescribed Education, Knowledge, and Skill Requirements

~~Pursuant to 14 Del.C. §1220, where an examination of content knowledge such as a Praxis™ II examination is applicable and available in the individual secondary science curricular area, the applicant shall achieve a passing score as established by the Standards Board, in consultation with the Department and with the concurrence of the State Board for each Standard Certificate issued.~~

4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 The applicant shall have:

4.1.1.1 Obtained and currently maintain a Science certificate in the secondary science curricular area sought from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in secondary science education from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach secondary science as provided in 14 Del.C. §§1260 – 1266; or

4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in secondary science education.

4.1.2 The applicant shall have achieved a Passing Score on the Praxis Subject Assessment as provided in subsections 4.1.2.1 through 4.1.2.5.

4.1.2.1 For a Secondary Science Teacher Standard Certificate – Biology, the applicant shall have achieved on the Praxis Subject Assessment – Biology: Content Knowledge (ETS Test Code #5235) a Passing Score of 150.

4.1.2.2 For a Secondary Science Teacher Standard Certificate – Chemistry, the applicant shall have achieved on the Praxis Subject Assessment – Chemistry: Content Knowledge (ETS Test Code #5245) a Passing Score of 151.

4.1.2.3 For a Secondary Science Teacher Standard Certificate – Physics, the applicant shall have achieved on the Praxis Subject Assessment – Physics: Content Knowledge (ETS Test Code #5265) a Passing Score of 140.

4.1.2.4 For a Secondary Science Teacher Standard Certificate – Earth Science, the applicant shall have achieved on the Praxis Subject Assessment – Astronomy, Earth, and Space Sciences: Content Knowledge (ETS Test Code #5571) a Passing Score of 150.

4.1.2.5 For a Secondary Science Teacher Standard Certificate – Integrated or Physical Science, the applicant shall have achieved on the Praxis Subject Assessment – General Science: Content Knowledge (ETS Test Code #5235) a Passing Score of 151.

4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved a Passing Score on the Praxis Subject Assessment as provided in subsection 4.1.2.

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for an Initial License, and the applicant shall also provide all required documentation for the License.

- 5.2 For applicants who are applying for a Secondary Science Teacher Standard Certificate under subsections 3.1.1 and 4.1, the following documentation is required:
- 5.2.1 Evidence of obtaining and maintaining a Science certificate from the National Board for Professional Teaching Standards, if applicable; and
 - 5.2.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.2.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 5.2.2.2 Sealed paper transcripts may be submitted.
 - 5.2.2.3 The Department will not accept copies of transcripts; and
 - 5.2.3 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and
 - 5.2.4 Additional documentation as required by the Department.
- 5.3 For applicants who are applying for a Secondary Science Teacher Standard Certificate under subsections 3.1.1 and 4.2, the following documentation is required:
- 5.3.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and
 - 5.3.2 Additional documentation as required by the Department.
- 5.4 For applicants who are applying for the Secondary Science Teacher Standard Certificate under 3.1.2, the following documentation is required:
- 5.4.1 An official copy of the Valid and Current License or Certificate; and
 - 5.4.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

- 6.1 A Secondary Science Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2 A Secondary Science Teacher Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Secondary Science Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2 An Educator's Secondary Science Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

- 8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Secondary Science Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Secondary Science Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.
 - 8.1.1 For school districts, requests shall be approved by the superintendent of the school district.
 - 8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

PROPOSED REGULATIONS

9.0 Past Certificate Recognized

The Department shall recognize a Secondary Science Teacher Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to teach secondary science in the secondary science curricular area for which the certificate was issued.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1561

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1561 Bilingual Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1561 Bilingual Teacher. The regulation concerns the requirements for a Bilingual Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include clarifying Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Bilingual Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Bilingual Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Bilingual Teacher Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOERegulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Bilingual Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 920RFA 04-01-21.pdf>

1561 Bilingual Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of a ~~Standard Certificate, Bilingual Teacher Standard Certificate (Category)~~ pursuant to 14 **Del.C.** §1220(a), ~~for Bilingual Teacher (Category).~~
- 1.1.1 This ~~certification Standard Certificate~~ is required for an ~~educator Educator~~ within ~~charter school and~~ district-identified bilingual classrooms or bilingual programs for grades K to 12 that are identified to serve students who are English ~~Language~~ Learners or immersion program students ~~in Delaware public schools.~~
- 1.1.2 ~~This certification~~ The Bilingual Teacher Standard Certificate is a category ~~certificate Standard Certificate~~ and does not certify an ~~educator Educator~~ to practice in a particular area or teach a particular subject. A category ~~certificate Standard Certificate~~ only establishes that an ~~educator Educator~~ has met the prescribed ~~knowledge, skill, or education~~ education, knowledge, or skill to instruct a particular category of students ~~specified.~~ ~~This certification~~ The Bilingual Teacher Standard Certificate is limited to the ~~specific~~ category of ~~teaching~~ students who are English Language Learners or immersion program students.
- 1.1.3 ~~This certification may not be issued alone and an educator shall hold at least one subject or area certification~~ An Educator shall hold at least one content area Standard Certificate.
- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

2.0 Definitions

- 2.1 ~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~
- 2.2 The following words and terms, when used in this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise:~~
- "Department" means the Delaware Department of Education.
- "Educator" means a person licensed and certified by the State under 14 Del.C. Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.
- "Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.
- "Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.
- "License" means a credential which authorizes the holder to engage in the practice for which the license is issued.
- "Passing score Score" means a minimum score as established by the Standards Board, in consultation with the Department and with the approval of the State Board of Education.
- "Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.
- "Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.
- "Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.
- ~~"Target language Language"~~ means, ~~for the purpose of this regulation,~~ the world language of the bilingual classroom or bilingual program.
- "Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Bilingual Teacher Standard Certificate ~~as a Bilingual Teacher~~ to an educator applicant who ~~has met the following:~~
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a Limited Standard, License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or~~
- 3.1.2 ~~Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and~~ Has met the requirements for licensure and holds a Valid and Current License or Certificate in bilingual education.
- 3.1.3 ~~Holds a Standard Certificate in a subject or area; and~~
- 3.1.4 ~~Has satisfied the additional requirements in this regulation.~~
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Bilingual Teacher Standard Certificate if the applicant is under official investigation by any national.

state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

4.1 An educator shall also have satisfied each of the following requirements:

4.1.1 Demonstrated oral and written proficiency in English by:

4.1.1.1 Completion of a bachelor's, master's, or doctoral degree from a regionally accredited college or university that is located in the United States or in a permanently inhabited territory of the United States in which the majority of courses were taught and assessed in the English language; or

4.1.1.2 Achieving a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on:

4.1.1.2.1 the ACTFL Oral Proficiency Interview (OPI) in English, and

4.1.1.2.2 the ACTFL Writing Proficiency Test (WPT) in English.

4.1.2 Demonstrated oral and written proficiency in the target language of the bilingual classroom or bilingual program by:

4.1.2.1 Achieving a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines on the ACTFL OPI in the target language, and

4.1.2.2 Achieving a passing score on the ACTFL WPT in the target language.

4.1.2.2.1 For the purposes of subsection 4.1.2.2 of this regulation, a passing score shall be:

4.1.2.2.1.1 For tests using the Roman alphabet, achieving a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines.

4.1.2.2.1.2 For tests using a non-Roman alphabet, achieving a minimum level of Advanced Low based on the ACTFL Proficiency Guidelines.

4.1.3 Completion of either:

4.1.3.1 A bachelor's, master's, or doctoral degree from a regionally accredited college or university with a major or its equivalent in bilingual education from an educator preparation program approved or recognized by National Council for the Accreditation of Teacher Education (NCATE), the Council for Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.3.2 A minimum of fifteen (15) credits or the equivalent thereof in professional development as approved by the Department in the following content areas:

4.1.3.2.1 Methods of Teaching English as a Second Language (3 credits);

4.1.3.2.2 Second Language Acquisition (3 credits);

4.1.3.2.3 Teaching Literacy for English Language Learners (3 credits);

4.1.3.2.4 Second Language Testing (3 credits); and

4.1.3.2.5 Structure of the English Language (3 credits).

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain an English as a New Language certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in bilingual education from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

PROPOSED REGULATIONS

- 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach English Learners as provided in 14 Del.C. §§1260 - 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in bilingual education; or
- 4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 college credits or the equivalent number of hours with one credit equating to 15 hours taken either as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the following areas:
 - 4.1.1.5.1 Methods of Teaching English as a Second Language (3 credits);
 - 4.1.1.5.2 Second Language Acquisition (3 credits);
 - 4.1.1.5.3 Teaching Literacy for English Learners (3 credits);
 - 4.1.1.5.4 Second Language Testing (3 credits); and
 - 4.1.1.5.5 Structure of the English Language (3 credits).
- 4.1.2 The applicant shall have demonstrated oral and written proficiency in English by satisfying one of the following requirements:
 - 4.1.2.1 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university that is located in the United States or in a permanently inhabited territory of the United States in which the majority of courses were taught and assessed in the English language; or
 - 4.1.2.2 Achieved a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on:
 - 4.1.2.2.1 The ACTFL Oral Proficiency Interview (OPI) in English; and
 - 4.1.2.2.2 The ACTFL Writing Proficiency Test (WPT) in English.
- 4.1.3 The applicant shall have demonstrated oral and written proficiency in the Target Language of the bilingual classroom or bilingual program by satisfying both of the following requirements:
 - 4.1.3.1 Achieved a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines on the ACTFL OPI in the Target Language; and
 - 4.1.3.2 Achieved a Passing Score on the ACTFL WPT in the Target Language.
 - 4.1.3.2.1 For the purposes of subsection 4.1.3.2 of this regulation, a Passing Score shall be:
 - 4.1.3.2.1.1 For tests using the Roman alphabet, achieving a minimum level of Advanced Mid based on the ACTFL Proficiency Guidelines.
 - 4.1.3.2.1.2 For tests using a non-Roman alphabet, achieving a minimum level of Advanced Low based on the ACTFL Proficiency Guidelines.

5.0 **Application Requirements**

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 For an applicant who is applying for a Bilingual Teacher Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required in the application:
 - 5.2.1 Evidence of obtaining and maintaining an English as a New Language certificate from the National Board for Professional Teaching Standards, if applicable; and
 - 5.2.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.2.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 5.2.2.2 Sealed paper transcripts may be submitted.
 - 5.2.2.3 The Department will not accept copies of transcripts; and

5.2.3 Official scores on the ACTFL OPI and WPT in English as provided in subsection 4.1.2.2, if applicable; and

5.2.4 Official scores on the ACTFL OPI and WPT in the Target Language as provided in subsection 4.1.3; and

5.2.5 Additional documentation as required by the Department.

5.3 For an applicant who is applying for the Bilingual Teacher Standard Certificate under subsection 3.1.2, the following documentation is required in the application:

5.3.1 An official copy of the Valid and Current License or Certificate; and

5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

6.1 A Bilingual Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.

6.2 A Bilingual Teacher Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

7.1 An Educator's Bilingual Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.2 An Educator's Bilingual Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.

7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Bilingual Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Bilingual Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school district.

8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

5-09.0 Past Certification Certificate Recognized

~~The Department shall recognize a Bilingual Teacher Standard Certificate Bilingual Teacher issued before January 1, 2017 by the Department prior to the effective date of this regulation. A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Bilingual Teacher~~
An Educator holding such a Standard Certificate shall be considered certified to instruct English Learners or immersion program students.

6-0 Effective Date

~~This regulation shall be effective on January 1, 2017.~~

PROPOSED REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1562

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1562 Teacher of English Learners

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1562 Teacher of English Learners. The regulation concerns the requirements for a Teacher of English Learners Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of English Learners Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of English Learners Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of English Learners Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of English Learners Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates

upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 926RFA 04-01-21.pdf>

1562 Teacher of English Learners

1.0 Content

- 4-1 This regulation shall apply to the issuance of a ~~Standard Certificate, Teacher of English Learners Standard Certificate~~ pursuant to 14 **Del.C.** §1220(a), ~~for Teacher of English Learners~~. This ~~certification Standard Certificate~~ is required for grades K to 12 in Delaware public schools.
- 4-2 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

2.0 Definitions

- 2-1 ~~The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~
- 2-2 The following ~~word~~ words and ~~term~~ terms, when used in this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise:~~
- "Department"** means the Delaware Department of Education.
- "Educator"** means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.
- "Employing Authority"** means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.
- "Immorality"** means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.
- "License"** means a credential which authorizes the holder to engage in the practice for which the license is issued.
- "Passing score Score"** means a minimum score as established by the ~~Professional Standards Board~~, in consultation with the Department and with the approval of the State Board of Education.

PROPOSED REGULATIONS

“Regionally Accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

“Standard Certificate” means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

“Standards Board” means the Professional Standards Board established pursuant to 14 Del.C. §1201.

“Valid and Current License or Certificate” means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Teacher of English Learners Standard Certificate as Teacher of English Learners to an educator applicant who has met the following:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; ~~or a Limited Standard License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and 2003 and meets the requirements set forth in Section 4.0 of this regulation; or~~
 - 3.1.2 Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and Has met the requirements for licensure and presents proof of a Valid and Current License or Certificate as a teacher of English Learners.
 - 3.1.3 ~~Has satisfied the additional requirements in this regulation.~~
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of English Learners Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An educator shall also have satisfied each of the following requirements:
- 4.1.1 ~~Demonstrated oral and written proficiency in English by either:~~
 - 4.1.1.1 ~~Completion of a bachelor’s, master’s, or doctoral degree from a regionally accredited college or university that is located in the United States or in a permanently inhabited territory of the United States; or~~
 - 4.1.1.2 ~~Achieving a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English; and~~
 - 4.1.2 ~~Completion of either:~~
 - 4.1.2.1 ~~A bachelor’s, master’s, or doctoral degree from a regionally accredited college or university with a major or its equivalent in Teaching English Learners from an educator preparation program approved or recognized by National Council for the Accreditation of Teacher Education (NCATE), the Council for Accreditation of Educator Preparation (CAEP), or a state where a state approval body employed the appropriate standards; or~~
 - 4.1.2.2 ~~A minimum of fifteen (15) credits or the equivalent thereof in professional development as approved by the Department in the following content areas:~~

- 4.1.2.2.1 ~~Methods of Teaching English as a Second Language (3 credits);~~
- 4.1.2.2.2 ~~Second Language Acquisition (3 credits);~~
- 4.1.2.2.3 ~~Teaching Literacy for English Learners (3 credits);~~
- 4.1.2.2.4 ~~Second Language Testing (3 credits); and~~
- 4.1.2.2.5 ~~Structure of the English Language (3 credits).~~

4.1.3 ~~Achieved on the *Praxis* Subject Assessment – English to Speakers of Other Languages (ETS Test # 5362) a passing score of 149.~~

4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain an English as a New Language certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in Teaching English Learners from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), or a state where the state approval body employed the appropriate standards; or

4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach English Learners as provided in 14 **Del.C.** §§1260 – 1266; or

4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in Teaching English Learners; or

4.1.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 15 college credits or the equivalent number of hours with one credit equating to 15 hours taken either as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the following areas:

4.1.1.5.1 Methods of Teaching English as a Second Language (3 credits);

4.1.1.5.2 Second Language Acquisition (3 credits);

4.1.1.5.3 Teaching Literacy for English Learners (3 credits);

4.1.1.5.4 Second Language Testing (3 credits); and

4.1.1.5.5 Structure of the English Language (3 credits).

4.1.2 The applicant shall have demonstrated oral and written proficiency in English by satisfying one of the following requirements:

4.1.2.1 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited college or university that is located in the United States or in a permanently inhabited territory of the United States in which the majority of courses were taught and assessed in the English language; or

4.1.2.2 Achieved a minimum level of Advanced Mid based on the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines on the ACTFL Oral Proficiency Interview (OPI) in English and the ACTFL Writing Proficiency Test (WPT) in English.

4.1.3 The applicant shall have achieved a Passing Score of 149 on the Praxis Subject Assessment – English to Speakers of Other Languages (ETS Test Code # 5362).

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.

PROPOSED REGULATIONS

- 5.2 For an applicant who is applying for a Teacher of English Learners Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required in the application:
- 5.2.1 Evidence of obtaining and maintaining an English as a New Language certificate from the National Board for Professional Teaching Standards, if applicable; and
 - 5.2.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.2.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
 - 5.2.2.2 Sealed paper transcripts may be submitted.
 - 5.2.2.3 The Department will not accept copies of transcripts; and
 - 5.2.3 Official scores on the ACTFL OPI and WPT in English, as provided in subsection 4.1.2.2, if applicable; and
 - 5.2.4 Official score on the Praxis Subject Assessment as provided in subsection 4.1.3; and
 - 5.2.5 Additional documentation as required by the Department.
- 5.3 For an applicant who is applying for the Teacher of English Learners Standard Certificate under subsection 3.1.2, the following documentation is required in the application:
- 5.3.1 An official copy of the Valid and Current License or Certificate; and
 - 5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

- 6.1 A Teacher of English Learners Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2 A Teacher of English Learners Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of English Learners Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2 An Educator's Teacher of English Learners Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 Del.C. §1222.
- 7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 DE Admin. Code 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

- 8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of English Learners Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of English Learners Standard Certificate but whose effectiveness is documented by the local school district or charter school district.
 - 8.1.1 For school districts, requests shall be approved by the superintendent of the school district.
 - 8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

5.09.0 Past Certification Certificate Recognized

The Department shall recognize a ~~Standard Certificate~~ English to Speakers of Other Languages (ESOL) Teacher Standard Certificate issued by the Department before January 1, 2017. The Department shall also

~~recognize a Teacher of English Learners Standard Certificate issued by the Department prior to the effective date of this regulation. A teacher holding such a Standard Certificate issued by the Department before January 1, 2017 shall be considered certified as a Teacher of English Learners. An Educator holding an ESOL Teacher Standard Certificate issued before January 1, 2017 or a Teacher of English Learners Standard Certificate issued prior to the effective date of this regulation shall be considered certified to instruct English learners.~~

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1574

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1574 Teacher of Students Who Are Deaf or Hard of Hearing

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1574 Teacher of Students Who Are Deaf or Hard of Hearing. The regulation concerns the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include clarifying Section 1.0; adding defined terms to Section 2.0; clarifying the requirements for issuing a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOERegulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights

are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 931RFA 04-01-21.pdf>

1574 Teacher of Students Who Are Deaf or Hard of Hearing

1.0 Content

- 1.1 This regulation shall apply to the issuance of a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, Certificate (Category) pursuant to 14 Del.C. §1220(a), ~~for a Teacher of Students Who Are Deaf or Hard of Hearing. Eighteen (18) months from the effective date of this regulation, this certification shall be required for all educators within the Delaware public school system whose primary assignment is teaching children who are deaf or hard of hearing.~~
- 1.1.1 This Standard Certificate is required for an Educator whose primary assignment is teaching Deaf or Hard of Hearing Students in Delaware public schools.
- 1.1.2 The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is a category Standard Certificate and does not certify an Educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an Educator has met the prescribed education, knowledge, or skill requirements to instruct a particular category of students. The Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is limited to the category of Deaf or Hard of Hearing Students.
- 1.1.3 An Educator shall hold at least one content area Standard Certificate.
- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

2.0 Definitions

The definitions set forth in 14 ~~DE Admin. Code~~ 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

The following words and terms, when used in this regulation, shall have the following meaning:

"CED" means the Council on Education for the Deaf.

"Deaf or Hard of Hearing Student" means a student with "deafness" or a "hearing impairment" as defined in Section 3.0 of 14 **DE Admin. Code** 922 Children with Disabilities Subpart A, Purposes and Definitions.

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Regionally Accredited" means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

"Standards Board" means the Professional Standards Board established pursuant to 14 **Del.C.** §1201.

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate as a Teacher of Students Who Are Deaf or Hard of Hearing to an educator applicant who has met the following:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or

3.1.2 Has met the requirements as set forth in 14 ~~DE Admin. Code~~ 1505 Standard Certificate, including any subsequent amendment or revision thereto; and, Has met the requirements for licensure and holds a Valid and Current License or Certificate in deaf education or teaching students who are deaf or hard of hearing.

3.1.3 Has satisfied the additional requirements in this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate if the applicant is under

PROPOSED REGULATIONS

official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 **Additional Prescribed Education, Knowledge, and Skill Requirements**

- 4.1 ~~An educator shall also have satisfied at least one (1) of the following additional education requirements:~~
- 4.1.1 ~~Holding a master's degree from a regionally accredited college or university in Deaf Education from a program approved by the Council for Education of the Deaf; or~~
 - 4.1.2 ~~The successful completion of twenty-one (21) credits from a regionally accredited college or university or their equivalent in professional development as approved by the Department in the following areas:~~
 - 4.1.2.1 ~~Human Growth and Development Characteristics of the Deaf and Hard of Hearing (3 credits);~~
 - 4.1.2.2 ~~Assessment, Diagnosis and Prescriptive Techniques for the Deaf or Hard of Hearing (3 credits);~~
 - 4.1.2.3 ~~Curriculum and Instructional Methods for the Deaf or Hard of Hearing (3 credits);~~
 - 4.1.2.4 ~~Auditory Language Development (3 credits);~~
 - 4.1.2.5 ~~Audiology (3 credits);~~
 - 4.1.2.6 ~~Deaf and Hard of Hearing Practicum (3 credits); and either~~
 - 4.1.2.7 ~~Visual Language Development (3 credits); or~~
 - 4.1.2.8 ~~American Sign Language (3 credits).~~
- 4.1 An applicant for the Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate shall have satisfied one of the following education requirements:
- 4.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board for Professional Teaching Standards;
 - 4.1.2 Earned a master's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in deaf education from an educator preparation program approved or recognized by the CED; or
 - 4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students who are deaf or hard of hearing as provided in 14 Del.C. §§1260 - 1266; or
 - 4.1.4 Satisfactorily completed a Department-approved educator preparation program in deaf education; or
 - 4.1.5 Earned a bachelor's degree from a Regionally Accredited college or university in any content area and satisfactorily completed 21 college credits or the equivalent number of hours with one credit equating to 15 hours taken as part of or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department with a focus in deaf education that are guided by and include the following CED Initial Preparation Standards:
 - 4.1.5.1 Learner Development and Individual Learning Differences for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.2 Learning Environments for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.3 Curricular Content Knowledge for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.4 Assessment for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.5 Instructional Planning and Strategies for Students Who Are Deaf or Hard of Hearing;
 - 4.1.5.6 Professional Learning and Ethical Practice for Students Who Are Deaf or Hard of Hearing; and
 - 4.1.5.7 Collaboration for Students Who Are Deaf or Hard of Hearing.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.1 of this regulation, the following documentation is required with the application:
 - 5.2.1 Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate in the specialty area of Deaf/Hard of Hearing from the National Board for Professional Teaching Standards, if applicable; and
 - 5.2.2 Official transcript from the applicant's Regionally Accredited college or university.
 - 5.2.2.1 Electronic transcripts may be submitted by the applicant's Employing Authority or Regionally Accredited college or university.
 - 5.2.2.2 Sealed paper transcripts may be submitted.
 - 5.2.2.3 The Department will not accept copies of transcripts; and
 - 5.2.3 Additional documentation as required by the Department.
- 5.3 For an applicant who is applying for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate under subsection 3.1.2 of this regulation, the following documentation is required with the application:
 - 5.3.1 An official copy of the Valid and Current License or Certificate; and
 - 5.3.2 Additional documentation as required by the Department.

6.0 Validity of a Standard Certificate

- 6.1 A Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2 A Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2 An Educator's Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

- 8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate but whose effectiveness is documented by the local school district or charter school.
 - 8.1.1 For school districts, requests shall be approved by the superintendent of the school district.

PROPOSED REGULATIONS

8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

5.0 9.0 Past Certification Certificate Recognized

The Department shall recognize a ~~Standard Certificate~~ Teacher of Students Who Are Deaf or Hard of Hearing ~~Standard Certificate that was~~ issued by the Department ~~between January 11, 2007 and prior to~~ the effective date of this regulation. ~~A teacher~~ An Educator holding such a Standard Certificate ~~Teacher of Students Who Are Deaf or Hard of Hearing issued between January 11, 2007 and the effective date of this regulation~~ shall be considered certified to ~~teach students who are deaf or hard of hearing~~ instruct Deaf or Hard of Hearing Students.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1583

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1583 School Psychologist

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1583 School Psychologist. The regulation concerns the requirements for a School Psychologist Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include adding defined terms to Section 2.0; clarifying the requirements for issuing a School Psychologist Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a School Psychologist Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns the validity of a School Psychologist Standard Certificate; adding Section 7.0, which concerns disciplinary actions; adding Section 8.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 9.0, which concerns recognizing past certificates that were issued by the Department.

The proposed amendments were published in the *Register of Regulations* on February 1, 2021. The Board received written submittals from the State Council for Persons with Disabilities ("SCPD"), the Delaware Association of School Psychologists ("DASP"), and the Delaware State Education Association ("DSEA"). On March 4, 2021, the Board considered the written submittals. Both DASP and DSEA each commented that proposed language in subsection 4.1.1.1, i.e., "the equivalent of an Ed.S. degree," is vague and suggested that the Board add language from the 2020 National Association of School Psychologist Professional Standards. As a result of DASP's and DSEA's comment, the Board added the suggested language to the subsection to define the equivalent of an Ed.S. degree. The Board decided not to make any additional changes as a result of DASP's and DSEA's other comments or SCPD's comments. Because the additional change to subsection 4.1.1.1 is substantive, this proposed regulation includes the changes that were originally published on February 1, 2021 and the additional change to define the equivalent of an Ed.S. in subsection 4.1.1.1 in accordance with 29 Del.C. §10118(c).

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or to DOEregulations.comment@doe.k12.de.us. A copy of this regulation

may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a School Psychologist Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 8.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 936RFA 04-01-21.pdf>

1583 School Psychologist

1.0 Content

- 4-1 This regulation shall apply to the ~~requirements for issuance of a School Psychologist Standard Certificate, Certificate~~ pursuant to 14 **Del.C.** §1220(a), ~~for School Psychologist. This certification~~ The School Psychologist Standard Certificate is required for all ~~School Psychologists~~ school psychologists providing services to children ~~within the in Delaware public school system~~ schools.

PROPOSED REGULATIONS

- 1.2 ~~Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

2.0 Definitions

- 2.1 ~~The definitions set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.~~

- 2.2 The following words and terms, when used in this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise:~~

~~**"Internship"** means a supervised, culminating, comprehensive field experience, completed at or near, the end of formal training, through which school psychology candidates have the opportunity to integrate and apply professional knowledge and skills acquired in prior courses and practica, as well as to acquire new competencies consistent with training program goals.~~

~~**"Department"** means the Delaware Department of Education.~~

~~**"Educator"** means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.~~

~~**"Employing Authority"** means any entity which employs educators, and includes, but is not limited to, school districts, charter schools, boards of directors, and management companies.~~

~~**"Immorality"** means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.~~

~~**"License"** means a credential which authorizes the holder to engage in the practice for which the license is issued.~~

~~**"Passing Score"** means a minimum score as established by the Standards Board in consultation with the Department and with the approval of the State Board of Education.~~

~~**"Regionally Accredited"** means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.~~

~~**"Standard Certificate"** means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.~~

~~**"Standards Board"** means the Professional Standards Board established pursuant to 14 **Del.C.** §1201.~~

~~**"Valid and Current License or Certificate"** means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.~~

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a School Psychologist Standard Certificate as a School Psychologist to an educator applicant who has met the following:

- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or Standard or Professional Status Certificate issued by the Department prior to August 31, ~~2003; and, 2003~~ and meets the requirements set forth in Section 4.0 of this regulation;

~~3.1.2~~ ~~Has met the requirements as set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto; and Has met the requirements for licensure in Delaware and presents proof of a Valid and Current License or Certificate as a school psychologist.~~

~~3.1.3~~ ~~Has satisfied the additional requirements in this regulation.~~

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a School Psychologist Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 Additional Prescribed Education, Knowledge, and Skill Requirements

~~4.1~~ ~~An educator shall also have satisfied at least one (1) of the following additional education and internship requirement Options:~~

~~4.1.1~~ ~~NASP or APA School Psychology Degree:~~

~~4.1.1.1~~ ~~Has successfully completed an organized graduate level program of study in "School Psychology" offered by a regionally accredited college or university and approved by the National Association of School Psychologists (NASP) or the American Psychological Association (APA), culminating in an Educational Specialist (Ed.S.) degree or its equivalent or a Doctoral degree in School Psychology; and~~

~~4.1.1.2~~ ~~Has successfully completed a supervised internship.~~

~~4.1.2~~ ~~NCSP Certificate:~~

~~4.1.2.1~~ ~~Holds a valid Nationally Certified School Psychologist (NCSP) Certificate from the National Association of School Psychologists (NASP).~~

~~4.1.3~~ ~~License or certificate from other state:-~~

~~4.1.3.1~~ ~~Holds a valid and current license or certificate from another state in school psychology.~~

4.1 An applicant for a School Psychologist Standard Certificate shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have earned one of following:

4.1.1.1 An Educational Specialist (Ed.S.) degree, the equivalent of an Ed.S. degree, or a doctoral degree through a program approved by the National Association of School Psychologists (NASP) at a Regionally Accredited college or university. The equivalent of an Ed.S. degree means a degree earned by completing a specialist-level program of study in school psychology that includes a minimum of three years of full-time study at the graduate level or the equivalent, inclusive of structured field experiences, and at least 60 graduate semester hours or the equivalent, with at least 54 hours exclusive of credit for the supervised specialist-level internship; or

4.1.1.2 A doctoral degree in school psychology through a program approved by the American Psychological Association (APA) at a Regionally Accredited college or university.

4.1.2 The applicant shall have achieved a Passing Score of 147 on the Praxis Subject Assessment - School Psychology (ETS Test Code # 5042).

4.1.3 The applicant shall have completed a supervised, culminating, comprehensive field experience of at least 1,200 hours, 600 hours of which must have been completed in an educational setting, in an institution or agency that is approved by the applicant's graduate program or the Department, completed at or near the end of formal training, through which the applicant had the opportunity to integrate and apply professional knowledge and skills acquired in prior courses and practica as well as to acquire new competencies consistent with training program goals.

4.2 Notwithstanding subsection 4.1, the Department may issue a School Psychologist Standard Certificate to an applicant who holds a Nationally Certified School Psychologist (NCSP) certificate from NASP that is in good standing.

5.0 Internship

~~An internship must be in an institution or agency approved by the Department or the applicant's graduate program.~~

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 For applicants who are applying for the School Psychologist Standard Certificate under subsections 3.1.1 and 4.1, the following documentation is required:
- 5.2.1 Official transcript from the applicant's Regionally Accredited college or university.
- 5.2.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
- 5.2.1.2 Sealed paper transcripts may be submitted.
- 5.2.1.3 The Department will not accept copies of transcripts; and
- 5.2.2 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2;
- 5.2.3 The Department-approved form verifying the applicant's completion of the requirement in subsection 4.1.3; and
- 5.2.4 Additional documentation as required by the Department.
- 5.3 For applicants who are applying for the School Psychologist Standard Certificate under subsections 3.1.1 and 4.2, the following documentation is required:
- 5.3.1 Documentation that the applicant holds a NCSP certificate from NASP that is in good standing; and
- 5.3.2 Additional documentation as required by the Department.
- 5.4 For applicants who are applying for the School Psychologist Standard Certificate under subsection 3.1.2, the following documentation is required:
- 5.4.1 An official copy of the Valid and Current License or Certificate; and
- 5.4.2 Additional documentation as required by the Department.

6.0 Emergency Certificate

~~An Emergency Certificate for a School Psychologist is not available.~~

6.0 Validity of a Standard Certificate

- 6.1 A School Psychologist Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 6.2 A School Psychologist Standard Certificate is not subject to renewal.

7.0 Disciplinary Action

- 7.1 An Educator's School Psychologist Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin.** Code 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 7.2 An Educator's School Psychologist Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 7.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

8.0 Secretary of Education Review

- 8.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a School Psychologist Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a School Psychologist Standard Certificate but whose effectiveness is documented by the local school district or charter school.
- 8.1.1 For school districts, requests shall be approved by the superintendent of the school district.
- 8.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

9.0 Past Certificate Recognized

The Department shall recognize a School Psychologist Standard Certificate that was issued by the Department prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to practice as a school psychologist.

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION 1900 BOARD OF NURSING

Statutory Authority: 24 Delaware Code, Section 1904(c) (24 **Del.C.** §1904(c))
24 **DE Admin. Code** 1900

PUBLIC NOTICE

1900 Board of Nursing

The Delaware Board of Nursing, pursuant to 24 *Del. C.* § 1904(c), proposes to revise its regulations to add a requirement that nurses provide workforce data upon renewal and reinstatement. In addition, the proposed changes clarify all renewal and reinstatement requirements. Finally, the proposed changes add "gender identity and expression" to the list of bases upon which a nurse shall not discriminate against a patient.

The Board will hold a telephonic public hearing on the proposed regulation changes on May 12, 2021 at 9:00 a.m. The telephone number will be posted at least seven days prior to the hearing on the Delaware public meeting calendar and Division of Professional Regulation website. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 27, 2021 pursuant to 29 *Del. C.* § 10118(a).

***Please Note:**

(1) **The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/april2021/proposed/24 DE Reg 941RFA 04-01-21.pdf>

(2) **Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:**

1900 Board of Nursing

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is ~~stricken~~ through indicates text being deleted. **[Bracketed Bold language]** indicates text added at the time the final order was issued. ~~**[Bracketed bold stricken through]**~~ indicates language deleted at the time the final order was issued.

Final Regulations

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt within the time allowed of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

**DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION**

Statutory Authority: 3 Delaware Code, Section 10005 (3 **Del.C.** §10005)
3 **DE Admin. Code** 501

ORDER**501 Harness Racing Rules and Regulations**BEFORE THE DELAWARE HARNESS RACING COMMISSIONORDER

Pursuant to 29 *Del. C.* §10118 and 3 *Del. C.* §10005, the Delaware Harness Racing Commission issues this Order adopting proposed amendments to the Commission's Rules. Following notice and a public hearing on March 9, 2021, the Commission makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Commission posted public notice of the proposed amendments to DHRC Rule 6.3.3.15 in the February 1, 2021 *Register of Regulations*.

2. The Commission received no written comments. The Commission held the public comment period open from February 1, 2021 until close of business on March 3, 2021. The Delaware Harness Racing Commission will finalize the regulations at its regularly scheduled monthly meeting on March 9, 2021. Monthly meetings are noticed public meetings.

FINDINGS OF FACT AND CONCLUSIONS

3. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony at the public hearing on the proposed amendments to the Commission's Rules.

4. After considering the rule changes as proposed, the Commission hereby adopts the rule changes as proposed. The Commission believes that these rule changes will allow the Delaware Harness Racing Commission rules to more accurately reflect current policy and procedures.

5. The effective date of this Order will be ten (10) days from publication of this Order in the *Register of Regulations* on April 1, 2021.

IT IS SO ORDERED this 9th day of March 2021.

Beverly H. Steele, Chairman

Jack Berberian, Commissioner

Patt Wagner, Vice-Chairman

Stephanie Liguori, Commissioner

George P. Staats, Commissioner

***Please note that no changes were made to the regulation as originally proposed and published in the February 2021 issue of the *Register* at page 752 (24 DE Reg. 752). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

501 Harness Racing Rules and Regulations

HARNESS RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10005 (3 Del.C. §10005)

3 DE Admin. Code 501

ORDER

501 Harness Racing Rules and Regulations

BEFORE THE DELAWARE HARNESS RACING COMMISSION

ORDER

Pursuant to 29 Del. C. §10118 and 3 Del. C. §10005, the Delaware Harness Racing Commission issues this Order adopting proposed amendments to the Commission's Rules. Following notice and a public hearing on March 9, 2021, the Commission makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Commission posted public notice of the proposed amendments to DHRC Rule 8.9.8 in the February 1, 2021 *Register of Regulations*.

2. The Commission received no written comments. The Commission held the public comment period open from February 1, 2021 until close of business on March 3, 2021. The Delaware Harness Racing Commission will finalize the regulations at its regularly scheduled monthly meeting on March 9, 2021. Monthly meetings are noticed public meetings.

FINDINGS OF FACT AND CONCLUSIONS

3. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony at the public hearing on the proposed amendments to the Commission's Rules.

4. After considering the rule changes as proposed, the Commission hereby adopts the rule changes as proposed. The Commission believes that these rule changes will allow the Delaware Harness Racing Commission

rules to more accurately reflect current policy and procedures.

5. The effective date of this Order will be ten (10) days from publication of this Order in the *Register of Regulations* on April 1, 2021.

IT IS SO ORDERED this 9th day of March 2021.

Beverly H. Steele, Chairman

Jack Berberian, Commissioner

Patt Wagner, Vice-Chairman

Stephanie Liguori, Commissioner

George P. Staats, Commissioner

***Please note that no changes were made to the regulation as originally proposed and published in the February 2021 issue of the *Register* at page 752 (24 DE Reg. 752). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

501 Harness Racing Rules and Regulations

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR QUALITY

Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 **Del.C.** §6010(a) & (c))
7 **DE Admin. Code** 1124

Secretary's Order No.: 2021-A-0009

RE: Approving Final Regulations to Amend 7 DE Admin. Code 1124, *Control of Volatile Organic Compound Emissions, Section 36.0, Vapor Emission Control at Gasoline Dispensing Facilities*

Date of Issuance: March 11, 2021

Effective Date of the Amendment: April 11, 2021

1124 Control of Volatile Organic Compound Emissions

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 *Del.C.* §§6006 and 6010, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

This Order relates to proposed regulation amendments ("Amendments") to 7 DE Admin. Code 1124, *Control of Volatile Organic Compound Emissions, Section 36.0, Vapor Emission Control at Gasoline Dispensing Facilities* ("Regulation"). Specifically, the Department proposes to amend the Regulation to update the California Air Resources Board ("CARB") Executive Orders (as modified between July 17, 2019 and June 3, 2020) referenced in the Amendments regarding Stage I enhanced vapor recovery systems used at Delaware gasoline dispensing facilities. The proposed Amendments include updates of the latest Executive Order numbers, the effective dates, and will provide the regulated community with additional Stage I enhanced vapor recovery ("EVR") system component flexibility.

On July 11, 2020 the Department adopted amendments to the Regulation (hereafter referred to as the "2020 Amendment") to establish adjustments to the Regulation and specific compliance schedules. The 2020 Amendment requires gasoline dispensing facilities in Delaware to install one of the Stage I EVR systems certified in CARB Executive Orders to meet 98% volatile organic compound's emission control efficiency. The CARB

Executive Orders demonstrate compliance with the CARB certification and list the individual components that can be used within a certified Stage I EVR system. Six (6) CARB Executive Orders for Stage I EVR systems were incorporated into the 2020 Amendment.

During the time of the Department's regulatory development of the 2020 Amendments, CARB modified their Executive Orders for Stage I EVR systems from July 17, 2019 through June 3, 2020. The Department is now incorporating these modifications in the Amendments to reflect the most recent updates to CARB Executive Order numbers VR-1010-T, VR-102-U, VR-104-K, VR-105-I, VR401-F, VR-402-E, and VR-202-Z. The latest update to the CARB Executive Orders include: (1) modifications to the Husky Model 5885 Pressure/Vacuum vent valve; (2) the extension of certifications of the modified 5885 Pressure/Vacuum vent valve to May 31, 2021; (3) the addition of OPW 723 Pressure/Vacuum vent valve for E85 applications; and (4) the addition of the Franklin Fueling aluminum drop tube and Defender Overfill Protection Valve to the equipment list as alternate parts in Executive Order VR 102.

More specifically, the Amendments include the title number changes of CARB Executive Orders referenced in the following Regulation subsections: (1) 36.4.1.1.1 through 36.4.1.1.4; (2) 36.4.1.2.1 through 36.4.1.2.2, (3) 36.10.2, and (4) 36.11.3.1 through 36.11.3.6. In addition, the Amendments include adding a phrase in subsection 36.1.3 to specify July 1, 2019 as the effective date of 40 CFR 80.22(j).

The Department published its initial proposed Amendments in the November 1, 2020 *Delaware Register of Regulations*. Thereafter the public hearing notice was issued, the Department revised the proposed Amendments to include a non-substantive change. Referenced in subsections 36.5.1, 36.5.3, and 36.11.5, the non-substantive change revises the CARB Executive Order "VR-202-W (August 30, 2018)" to "VR-202-Z (November 5, 2019)".

The virtual public hearing regarding this matter was held on December 8, 2020. There were two (2) members of the public in attendance at the virtual public hearing. Pursuant to 29 *Del.C.* §10118(a), the hearing record remained open for receipt of written comment for 30 days following the public hearing. The hearing record formally closed for comment in this matter at close of business on January 7, 2021, with one (1) comment received by the Department during the phase of this formal promulgation. It should be noted that the proposed *revised* Amendments were fully vetted at the time of the virtual public hearing.

Subsequent to the close of record, the Department's Division of Air Quality staff prepared a Technical Response Memorandum to address the comment received by the public.

Thereafter, Hearing Officer Theresa Newman prepared her report dated January 27, 2021 ("Report"), which expressly incorporated the Department's proposed Amendments into the hearing record generated in this matter. The Report documents the proper completion of the required regulatory amendment process, establishes the record, and recommends the adoption of the proposed *revised* Amendments as attached to the Report as Appendix "A."

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of these proposed *revised* Amendments, pursuant to 7 *Del.C.* §6010(a) and (c). It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Reasons and Conclusions

Based on the record developed by the Department's staff in the Division of Air Quality, and established by the Hearing Officer's Report, I find that the proposed *revised* regulatory Amendments are well-supported and will enable the Department to update the CARB Executive Orders (as modified between July 17, 2019 and June 3, 2020) referenced in the Amendments regarding Stage I EVR systems used at Delaware gasoline dispensing facilities and will provide the regulated community with additional Stage I EVR system component flexibility. I further find that the Department's Air Quality experts fully developed the record to support adoption of these Amendments. Therefore, the recommendations of the Hearing Officer are hereby adopted, and I direct that the proposed Amendments be promulgated as final.

The following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to act with regard to this proposed regulatory promulgation, pursuant to 7 *Del. C.* §6010(a) and (c);
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del.C.* Ch. 60, to issue an Order adopting these proposed *revised* Amendments as final;

3. The Department provided adequate public notice of the initial proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the virtual public hearing held on December 8, 2020 and during the 30 days subsequent to the hearing (through January 7, 2021), before making any final decision;
4. Promulgation of the proposed *revised* Amendments to 7 DE Admin. Code 1124: Section 36.0, *Vapor Emission Control at Gasoline Dispensing Facilities*, will enable the Department to update CARB Executive Order numbers and effective dates (as modified between July 17, 2019 and June 3, 2020), referenced in the Amendments regarding Stage I EVR systems used at Delaware gasoline dispensing facilities, and provide the regulated community with additional Stage I EVR system component flexibility;
5. The Department has reviewed the proposed *revised* Amendments in the light of the Regulatory Flexibility Act, consistent with 29 *Del.C.* §104, and believes the same to be lawful, feasible and desirable, and the recommendations as proposed should be applicable to all Delaware citizens equally;
6. The Department's Hearing Officer's Report, including its established record and the recommended proposed Amendments as set forth in Appendix "A," are hereby adopted to provide additional reasons and findings for this Order;
7. The Department's proposed regulatory Amendments, as initially published in the November 1, 2020 *Delaware Register of Regulations*, and then subsequently *revised*, as set forth in Appendix "A" hereto, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they are approved as final regulatory Amendments, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*; and
8. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
9. The Department shall submit this Order approving the proposed *revised* Amendments as final regulatory to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require and the Department determines is appropriate.

Shawn M. Garvin
Secretary

1124 Control of Volatile Organic Compound Emissions
(Break in Continuity of Sections)

36.0 Vapor Emission Control at Gasoline Dispensing Facilities

07/11/2020 ~~xx/xx/xxxx~~ 04/11/2021]

(Break in Continuity Within Section)

36.5 Requirements for Stage I Facilities with Continuous Pressure Monitoring Systems

- 36.5.1 The owner or operator of any gasoline dispensing facility identified in subsection 36.1.4.2 shall use a continuous pressure monitoring (CPM) system as identified in Exhibit 1 Section II, Exhibit 2 Section II, and Exhibit 3 Section II of CARB Executive Order [~~VR-202-W (August 30, 2018)~~ **VR-202-Z (November 5, 2019)**], hereby incorporated by reference as specified in subsection 36.11.5.1, to include the leak detection software identified in [~~VR-202-W~~ **VR-202-Z**], and use a console, a vapor pressure sensor, and an automatic tank gauge as compatible per the CPM manufacturer. The owner or operator of any gasoline dispensing facility may petition the Department to allow the use of any other CPM system that is certified by CARB as being equivalent to the systems identified in CARB Executive Order [~~VR-202-W~~ **VR-202-Z**], and the Department may allow such a system on a case-by-case basis.

(Break in Continuity Within Section)

36.5.3 Within 10 days after installation of the required Stage I EVR system, an operability test of the CPM system shall be performed and passed in accordance with Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order [~~VR-202-W (August 30, 2018)~~ VR-202-Z (November 5, 2019)], hereby incorporated by reference as specified in subsection 36.11.5.2 or subsection 36.11.5.3, as applicable.

(Break in Continuity Within Section)

36.11 Referenced Standards

(Break in Continuity Within Section)

36.11.5 Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD), Executive Order [~~VR-202-W (August 30, 2018)~~ VR-202-Z (November 5, 2019)]. California Air Resources Board. Specifically, the referenced standards include:

***Please note that no additional changes were made to the regulation as originally proposed and published in the November 2020 issue of the Register at page 466 (24 DE Reg. 466). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

1124 Control of Volatile Organic Compound Emissions

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

2930 COUNCIL ON REAL ESTATE APPRAISERS

Statutory Authority: 24 Delaware Code, Section 4006(a)(1) (24 Del.C. §4006(a)(1))
24 DE Admin. Code 2930

ORDER

2930 Council on Real Estate Appraisers

On September 1, 2020 the Delaware Board of Real Estate Appraisers published proposed changes to its regulations in the Delaware Register of Regulations, Volume 24, Issue 3. On November 1, 2020 the Delaware Board of Real Estate Appraisers re-published, due to a newspaper notice error, the proposed changes to its regulations in the Delaware Register of Regulations, Volume 24, Issue 5. The notice indicated that written comments would be accepted by the Board, a public hearing would be held, and written comments would be accepted for fifteen days thereafter. After due notice in the Register of Regulations and two Delaware newspapers, a public hearing was held on January 19, 2021 at a regularly scheduled meeting of the Board of Real Estate Appraisers to receive verbal comments regarding the Board's proposed amendments to its regulations.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

At the time of the deliberations, the Board considered the following documents:

Board Exhibit 1 - Affidavit of publication of the public hearing notice in the News Journal; and
Board Exhibit 2 - Affidavit of publication of the public hearing notice in the Delaware State News.

There was no verbal testimony presented at the public hearing. No written comments were received by the Board.

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Board with comments on the proposed amendments to the Board's regulations in writing and by testimony at the public hearing.
2. There were no public comments provided to the Board during the written public comment periods.

3. Pursuant to 24 Del. C. § 4006 (a)(1) the Board has the statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.

4. Having reviewed no public comments, the Board finds no reason not to amend the regulations as proposed.

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, pursuant to 24 Del.C. § 4006 (a)(1) and for the reasons set forth above, the Board does hereby ORDER that the regulations be, and that they hereby are, adopted and promulgated as set forth in the Delaware Register of Regulations on September and November 1, 2020. The effective date of this Order is ten days from the date of its publication in the Delaware Register of Regulations, pursuant to 29 Del. C. § 10118(g).

The new regulations are attached hereto as Exhibit A.

SO ORDERED this 16th day of February, 2021.

DELAWARE BOARD OF REAL ESTATE APPRAISERS

/s/ Earl Timmons, Chairperson

/s/ Christopher Schneider

/s/ James Barczewski

Scott Brown (absent)

/s/ Marilyn Berman

/s/ Kimberly Holiday-Hopkins

/s/ Patricia Ennis

Kevin Gillis (absent)

***Please Note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

***Please note that no changes were made to the regulation as originally proposed and published in the September 2020 issue of the *Register* at page 265 (24 DE Reg. 265). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

2930 Council on Real Estate Appraisers

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the SBE, to be conducted electronically, either by means of telephone conference call or video-conference call.

In accordance with the State of Emergency, the State Board of Education is currently holding meetings electronically. The meeting information can be accessed via the public meeting calendar (<https://publicmeetings.delaware.gov/Search?q=&AnyAll=Any&AgencyID=22&StartDateInclusive=2020-08-01>). Members of the public can join the meeting via the web or telephone.

Meeting materials are available on the State Board of Education's eBoard site (<https://simbli.eboardsolutions.com/index.aspx?s=190001>). (If you are having technical difficulties accessing the site, please try a different browser.)

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1900 BOARD OF NURSING
PUBLIC NOTICE

The Delaware Board of Nursing, pursuant to 24 *Del. C.* § 1904(c), proposes to revise its regulations to add a requirement that nurses provided workforce data upon renewal and reinstatement. In addition, the proposed changes clarify all renewal and reinstatement requirements. Finally, the proposed changes add "gender identity and expression" to the list of bases upon which a nurse shall not discriminate against a patient.

The Board will hold a telephonic public hearing on the proposed regulation changes on May 12, 2021 at 9:00 a.m. The telephone number will be posted at least seven days prior to the hearing on the Delaware public meeting calendar and Division of Professional Regulation website. Written comments should be sent to Dr. Pamela Zickafoose, Executive Director of the Delaware Board of Nursing, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until May 27, 2021 pursuant to 29 *Del. C.* § 10118(a).
