

Administration and Operations

284 Licensure and Certification of Public Education Employees in the Department of Education, in Adult Education and in Prison Education Programs Whose Work Responsibilities are Directly Related to Curriculum and Instruction

1.0 Content

- 1.1 This regulation shall apply to the licensure and certification of Public Education Employees in the Department of Education, in Adult Education and in Prison Education Programs whose work responsibilities are directly related to curriculum and instruction and are identified by the Department of Education, pursuant to 14 **Del.C.** §121(c). This regulation does not apply to those persons who serve as instructors for apprenticeship, trade extension or special interest courses.
- 1.2 Except as otherwise provided, the requirements and provisions set forth in 14 **DE Admin. Code** 1505, 1506 1510, 1511, 1512, and 1513, including any subsequent amendment or revision thereto, are incorporated herein by reference.

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2.0 Definitions

Except as otherwise provided, the definitions set forth in 14 **DE Admin. Code** 1505, 1506 1510, 1511, 1512, and 1513, 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 unless the context clearly indicates otherwise:

"Advanced License" means a license issued as part of the three tiered licensure system set forth in 14 **Del.C.** 121(c).

"Adult Education Programs" means programs designed for adult learners providing for both basic skills education and the attainment of a secondary credential or high school diploma. Programs are provided through the James H. Groves High School, Adult Basic Education (ABE), and Adult English Language Learners Programs.

"Clock Hour" means actual time spent in professional development.

"College Credit" means graduate or undergraduate level course work and continuing education units (CEUs) completed at, or through, a regionally accredited college or university.

"Continuing License" means a license issued as part of the three tiered licensure system set forth in 14 **Del.C.** §121(c).

"Core Content Area" means the subject area tested by the state assessment system including Mathematics, English/Language Arts, Science and Social Studies.

"Department" means the Delaware Department of Education.

"Emergency Certificate" means a temporary credential issued to an individual who has obtained employment or an offer of employment with an employing authority and holds a valid Delaware Initial, Continuing, or Advanced License, but lacks necessary skills and knowledge to immediately meet certification requirements to practice in a particular area, to teach a particular subject or to instruct a particular category of students. The temporary credential provides the individual with a limited time to meet the requirements for certification in the specific area, subject or category.

"Examination of General Knowledge" means a standardized test adopted pursuant to this regulation which measures general knowledge and essential skills in reading, writing and mathematics or quantitative and verbal skills, including reading and writing.

"Initial License" means a license issued as part of the three tiered licensure system set forth in 14 **Del.C.** §121(c).

"Instructional Paraeducator (Paraeducator)" means a public education employee or adult education employee who provides one-on-one or small group instruction; assists with classroom management or individual student behavior; provides assistance in a computer laboratory; provides support in a library or media center; assists in training and support with functional skill activities, such as personal care or assistive technology; or provides instructional services to students under the direct supervision of a teacher. Instructional Paraeducators are

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those working with regular education students and students with disabilities in schools other than Title I schoolwide schools or with students not receiving Title I services in Title I targeted assistance schools.

“**James H. Groves High School**” means an adult high school established by the State of Delaware to provide the opportunity for adults and out of school youth to earn and obtain a high school diploma.

“**Level I Permit**” means a teaching permit in adult education for three years pursuant to application and approval.

“**Level II Permit**” means a teaching permit in adult education for five years pursuant to application and approval.

“**Level III Permit**” means a permit required to be an adult education program administrator pursuant to application and approval.

“**Level Five Institution**” means a 24 hour per day secure correctional facility, such as a jail (housing inmates sentenced to 12 months or less) or prison (sentences to longer than 12 months), and sentences to life or death.

“**Part Time Adult Education Employees**” means teachers, counselors, site coordinators, paraeducators and administrators who work in Adult Education Programs “part time” as defined by the State Pension Office.

“**Prison Education Programs**” means a program provided by the Department of Education for offenders in adult correctional facilities within the four Level Five (5) institutions in the state.

“**Public Education Employee**” means an employee whose work responsibilities are directly related to curriculum and instruction, as identified by the Department of Education, which includes Department employees, Adult Education Employees and Prison Education Program Employees.

“**Service Paraeducator**” means a public education employee who provides support services other than instructional assistance to students, but does not include bus aides (See 14 **DE Admin. Code** 1105).

“**Standard Certificate**” means a credential issued to certify that a Public Education Employee in the Department of Education, Adult Education and Prison Education Programs whose work responsibilities are directly related to curriculum and instruction has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, supervise a particular area at the Department or teach a particular category of students.

“**State**” means State of Delaware.

“**Title I Paraeducator**” means a public education employee who provides one on one or small group instruction; assists with classroom management; provides assistance in a computer laboratory; provides support in a library or media center; or provides instructional services to students under the direct supervision of a teacher. Additionally, Title I Paraeducators are all Instructional Paraeducators who work with regular students and children with disabilities in Title I schoolwide schools and all Title I Paraeducators who work with children receiving Title I services in Title I targeted assistance schools, except those whose duties are limited to acting as a translator or as a home school liaison.

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3.0 Issuance of an Initial License

- 3.1 In accordance with 14 **Del.C.** §121(c), except as otherwise provided herein, the Department shall issue an Initial License to a Public Education Employee who submits evidence of (1) receipt of a bachelors degree from a regionally accredited 4 year college or university; (2) completion of a student teaching program, or one year of teaching experience consisting of a minimum of 91 days of long term teaching experience at one assignment or enrollment in an Alternative Routes to Licensure and Certification Program, and (3) a passing score on an Examination of General Knowledge or such other alternatives as described in 14 **DE Admin. Code** 1510. For the purposes of this regulation, a bachelor's degree for a Skilled and Technical Sciences teacher shall be two (2) years of college or technical training, plus six (6) years of trade experience. An Initial License shall also be issued to an applicant currently licensed as an educator in another jurisdiction with less than three years of teaching experience or to a Public Education Employee who previously held a valid Delaware Standard or Professional Status Certificate who has been out of the profession for more than three years. In addition to an Initial License, applicants shall also apply for a Standard Certificate in the particular area, subject, or category in which they wish to be employed, and must verify that they possess the prescribed knowledge, skill or education to practice in that area, subject, or category.

- 3.2 Except as otherwise provided, the requirements and provisions of 14 **DE Admin. Code** 1510 *Issuance of an Initial License*, including any subsequent amendment or revision thereto, are incorporated herein by reference.

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4.0 Issuance and Renewal of a Continuing License

- 4.1 In accordance with 14 **Del.C.** §121(c), the Department shall issue, upon application, a Continuing License to a qualified Public Education Employee who has successfully completed the requirements under the initial licensure as set forth in 3.0. The Department shall issue a Continuing License to a qualified Public Education Employee currently licensed in another jurisdiction who provides evidence of having completed three (3) or more years of successful teaching experience as set forth in 14 **Del.C.** §1511. A Continuing License is valid for five (5) years unless extended or revoked for cause.
- 4.2 Except as otherwise provided, the requirements and provisions of 14 **DE Admin. Code** 1511 Issuance and Renewal of Continuing License, including any subsequent amendment or revision thereto, are incorporated herein by reference.
- 4.3 A Public Education Employee applying for a Continuing License shall submit to the Department a complete application. Verification by the Department or other employing authority of satisfactory annual evaluations for the period of the initial licensure shall be submitted with an initial application for a Continuing License.
- 4.4 An applicant with more than one (1) unsatisfactory annual evaluation during the period of initial licensure is ineligible to be issued a Continuing License.
- 4.5 Incomplete applications will not be processed. The applicant shall provide evidence that all requirements have been successfully met.
- 4.6 The Department shall renew a Continuing License, valid for an additional five (5) years, to a qualified Public Education Employee who has fulfilled the clock hour requirement for professional development and other requirements of 14 **DE Admin. Code** 1511. At least one half of the required hours for Public Education Employees shall be in activities that relate to the Public Education Employee's work with students or staff. Satisfactory evidence of such completion, as set forth in 14 **DE Admin. Code** shall be submitted to the Department with the application for renewal. The clock hours of professional development shall have taken place during the term of the Continuing License.

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5.0 Issuance and Renewal of an Advanced License

- 5.1 The Department, upon receipt of the list of successful candidates provided annually by the National Board for Professional Teaching Standards, shall issue an Advanced License to any Public Education Employee who receives National Board for Professional Teaching Standards certification. An Advanced License is valid for up to ten (10) years or the length of time of the National Board Certification unless extended pursuant to 14 **Del.C.** §1216, or revoked for cause as described in 14 **Del.C.** §1218.
- 5.2 Except as otherwise provided, the requirements and provisions of 14 **DE Admin. Code** 1512 *Issuance and Renewal of Advanced License*, including any subsequent amendment or revision thereto, is incorporated herein by reference.

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6.0 Standard Certificate

- 6.1 The Department shall issue a Standard Certificate to a Public Education Employee who holds a valid Delaware Initial, Continuing or Advanced License; or Limited Standard, Standard, or Professional Status Certificate issued prior to August 31, 2003.
- 6.2 Except as otherwise provided, the requirements and provisions of 14 **DE Admin. Code** 1505 *Issuance of Standard Certificate*, including any subsequent amendment or revision thereto, is incorporated herein by reference.

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7.0 Emergency Certificate

- 7.1 Upon request by the employing authority, the Department may issue an Emergency Certificate, valid for the intended school year, to a Public Education Employee who holds a valid Delaware Initial, Continuing, or Advance License, but who is not eligible for certification in the area of need.
- 7.2 Except as otherwise provided, the requirements and provisions of 14 **DE Admin. Code** 1506 Emergency Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

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7.2.1 For purposes of Public Education Employees, the phrase "employing district" as used in 14 DE Admin. Code 1506 means the hiring authority.

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8.0 Issuance of a Paraeducator Permit

8.1 Except as otherwise provided, the requirements and provisions of 14 DE Admin. Code 1517 *Issuance of Paraeducator Permit*, including any subsequent amendment or revision thereto, is incorporated herein by reference.

8.2 Unless stated otherwise herein, a Title I, Instructional, or Service Paraeducator Permit shall be valid for five (5) years from the Date of Issuance.

8.3 The Department shall renew a Paraeducator Permit, valid for an additional five (5) years, to a Paraeducator who provides evidence of successful completion of a minimum of fifteen (15) clock hours of approved professional development.

8.4 The Paraeducator is required to complete fifteen (15) clock hours of approved professional development during the term of validity of the Paraeducator Permit.

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9.0 Certification Requirements for Those Public Education Employees Working at the Department of Education.

Employees of the Department of Education whose work responsibilities are directly related to curriculum and instruction as determined by the Department shall be licensed and certified by the Department for the position they hold.

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10.0 Licensure and Certification Requirements for Those Public Education Employees Working in Adult Education Programs

10.1 Notwithstanding the requirements of subsections 3.2, 4.2, 5.2 and 6.2, the licensure and certification of Public Education Employees working in Adult Education Programs shall be as follows:

10.2 Prison Education Programs

10.2.1 Public Education Employees teaching in the Prison Education Program shall hold an Initial, Continuing or Advanced License issued pursuant to subsections 3.2, 4.2 or 5.2, whichever applies.

10.2.2 A Public Education Employee teaching in a Prison Adult Education Programs shall at a minimum be certified in an appropriate content area.

10.2.3 A Public Education Employee serving as a Teacher/Supervisor in the Prison Adult Education Program shall hold a master's degree from a regionally accredited college or university and complete a minimum of three years of successful full time or part time experience in an adult education setting working as an administrator, coordinator or teacher. One year of the three years may be as an administrator in an alternative education or non traditional educational setting as long as the program is regularly organized and supported by State or federal funds. In addition, the Teacher/Supervisor shall have completed a minimum of eighteen (18) semester credits or its equivalent related to Adult Education and Program Administration within a master's degree program or in addition to a master's degree program.

10.3 Community Adult Education Programs – James H. Groves High School

10.3.1 Public Education Employees working in a James H. Groves High School shall hold a Continuing or Advanced License issued pursuant to subsections 4.2 or 5.2, whichever applies.

10.3.2 An individual who has completed teacher prep program or has an expired license may apply for a Level I James H. Groves High School Adult Education Permit.

10.3.3 Upon application, the Department shall issue a Level I James H. Groves High School Adult Education Permit valid for three (3) years to an individual teaching in the James H. Groves High School. To be eligible for a Level I James H. Groves High School Adult Education Permit, the employee shall successfully complete twenty-five (25) clock hours of approved professional development in the content area(s) in which the instruction is being delivered and shall not have received more than one (1) unsatisfactory annual evaluation during this time period.

10.3.4 Upon application, the Department shall issue a Level II James H. Grove High School Adult Education Permit valid for five (5) years to an individual teaching in a James H. Groves High School if the employee

has successfully completed forty-five (45) clock hours of approved professional development in their content area(s) in which the instruction is being delivered and has not received more than one (1) unsatisfactory annual evaluation during the term of the Permit.

10.3.5 A Public Education Employee serving as an administrator in a James H. Groves High School shall hold an (a) active license with Standard Certificate pursuant to 14 **Del.C.** §1591, 1592 or 1593, or (b) a Level III Permit which is representative of a master's degree from a regionally accredited college or university and complete a minimum of three years of successful full time or part time experience in an adult education setting working as an administrator, coordinator or teacher. One year of the three years may be as an administrator in an alternative education or non-traditional educational setting as long as the program is regularly organized and supported by State or federal funds. The Public Education Employee shall have completed 18 semester hours directly related to Adult Education and Program Administration within a master's degree program or in addition to a master's degree.

10.3.6 To renew a Level II Permit the Public Education Employee has to successfully complete forty-five (45) clock hours within five (5) years of approved professional development or as stated in 14 **DE Admin. Code** 1511.

10.4 Community Adult Education Programs - Adult Basic Education (ABE)

10.4.1 Public Education Employees working in a adult basic education program shall hold an Initial, Continuing or Advanced License issued pursuant to subsections 3.2, 4.2 or 5.2, whichever applies.

10.4.2 The Department shall issue a Level I ABE Permit under this section valid for three (3) years if an applicant demonstrates the following:

10.4.2.1 Has received a bachelor's degree from a regionally accredited college or university; and

10.4.2.2 Has achieved a passing score on an examination of general knowledge as set forth in 14 **DE Admin. Code** 1510.

10.4.3 Upon application, the Department shall issue a Level I ABE Permit valid for three (3) years to an individual as listed in 10.4.2.2 who is teaching in an ABE Program funded by the Department. The employee must successfully complete twenty-five (25) clock hours of approved professional development in the Math or English/Language Arts content areas and not receive more than one (1) unsatisfactory annual evaluation during this time period to be eligible for a Level II ABE Adult Education Permit.

10.4.4 Upon application, the Department shall issue a Level II ABE Permit valid for five (5) years to an individual teaching in an ABE programs if the employee has successfully completed forty-five (45) clock hours of approved professional development in the Math or English/Language Arts content areas.

10.4.5 To renew a Level II Permit the Public Education Employee has to successfully complete forty-five (45) clock hours within five (5) years of approved professional development or as stated in 14 **DE Admin. Code** 1511.

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11.0 Criminal Conviction History

11.1 An applicant shall disclose his or her criminal conviction history upon application for any Permit.

11.2 Failure to disclose a criminal conviction history is grounds for denial or revocation of a Permit as specified in 14 **Del.C.** §1219.

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12.0 Reporting Criminal History

12.1 An applicant shall disclose his or her criminal conviction history upon application for a credential or within ninety (90) days prior to the expiration of a credential if the applicant requests the renewal of their credentials, or upon application of renewal of an expired credential. Failure to disclose a criminal conviction history is grounds for denial or revocation of a credential pursuant to 14 **Del.C.** §1219.

12.2 The Department shall not act on an application for licensure if the applicant is under official investigation by any state or local authority with the power to issue educator licenses or certifications, where the alleged conduct involves allegations of immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty or falsification of credentials, until the applicant provides evidence of the investigation's resolution.

12.2.1 The Department shall send notice of the inability to process the application.

12.2.2 The applicant shall be responsible for maintaining current contact information with the Department.

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13.0 Suspension of Permits for Failure to Meet Requirements of the Permit After Issuance

- 13.1 The Secretary or his or her designee shall not take action against a person to suspend the permit without providing the person with written notice of the suspension and the reasons therefore.
- 13.2 Notice shall be sent to the person's last known address. Notice shall be sent by certified mail, with return receipt requested and may also be sent electronically.
- 13.3 The permit holder shall have ten (10) calendar days from the date the notice of the suspension was mailed to make a written request outlining the reasons for the appeal hearing.
- 13.4 If no written request for an appeal hearing is received by the Deputy Secretary by ten (10) calendar days from the date the notification was mailed, the permit holder's permit shall be deemed to be suspended and the holder shall be so notified.
- 13.5 Notice of the suspension shall be made by the Secretary, or his or her designee, to the educator's employer.
- 13.6 All communications between a permit holder and the Department provided for in this section shall be by certified mail, with a return receipt requested. Additional notice may also be sent electronically.

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14.0 Denial and Revocation of Permits

- 14.1 An applicant may be denied a permit upon a finding that the applicant has failed to meet the requirements set forth herein or is unfit to be issued a permit in the State.
- 14.2 A permit may be revoked upon the dismissal of the permit holder for immorality, misconduct in office, incompetence, willful neglect of duty or disloyalty, and must be revoked upon a finding that the permit holder made a materially false or misleading statement in his or her permit application.
- 14.3 An applicant whose permit has been denied or revoked may file a request for a hearing with the Secretary within ten (10) days of receipt of the notice of denial or revocation.
- 14.4 The Secretary's decision shall be final.

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15.0 Refusal of Licenses and Certificates

Except as noted herein, the Department may refuse to issue an Initial License, Continuing License, Advanced License or a Standard or Emergency Certificate to an applicant pursuant to 14 **DE Admin. Code** 1413 Denial of Licenses, including any subsequent amendment or revision thereto.

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16.0 Revocation of Licenses and Certificates

Except as otherwise noted, a credential may be revoked pursuant to 14 **DE Admin. Code** 1514 *Revocation, Limitation, or Suspension of Licenses*, including any subsequent amendment or revision thereto.

10 DE Reg. 983 (12/01/06)

19 DE Reg. 487 (12/01/15)