

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1501

FINAL

REGULATORY IMPLEMENTING ORDER

1501 Knowledge, Skills, and Responsibility Based Salary Supplements for Educators

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to reauthorize regulation 14 **DE Admin. Code** 1501 Knowledge, Skills, and Responsibility Based Salary Supplements for Educators. It is necessary to review this regulation in order to comply with the 5 year regulation review process. No changes have been deemed necessary. This regulation sets forth the requirements for Knowledge, Skills, and Responsibility Based Salary Supplements for Educators.

Notice of the proposed reauthorization of the regulation was published in the Delaware *Register of Regulations* on October 1, 2012. The notice invited written comments. No comments were received.

II. FINDINGS OF FACTS

The Professional Standards Board and the State Board of Education find that it is appropriate to reauthorize this regulation to comply with changes in statute.

III. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to reauthorize the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "A" is hereby reauthorized. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation hereby reauthorized shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of the regulation reauthorized shall be in the form attached hereto as Exhibit "A", and said regulation shall be cited as 14 **DE Admin. Code** 1501 of the *Administrative Code of Regulations* of the Professional Standards Board.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

APPROVED BY THE PROFESSIONAL STANDARDS BOARD THIS 1ST DAY OF NOVEMBER, 2012

Kathleen Thomas, Chair	Chris Kenton
Michael Casson	David Kohan
Joanne Christian	Jill Lewandowski
Samtra Devard	Wendy Murray
Stephanie DeWitt	Mary Pinkston
Marilyn Dollard	Whitney Price
Karen Gordon	Shelley Rouser
Cristy Greaves	Jacque Wisnauskas

IT IS SO ORDERED this 15th day of November, 2012.

Department of Education
Mark Murphy, Secretary of Education

Approved this 15th day of November, 2012

State Board of Education

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

G. Patrick Heffernan

Barbara B. Rutt

Gregory Coverdale

Terry M. Whittaker, Ed.D.

Randall L. Hughes

1501 Knowledge, Skills, and Responsibility Based Salary Supplements for Educators

1.0 Content

The following requirements shall be met in order to receive the salary supplements established by 14 **Del.C.** §1305. This regulation shall apply to the awarding of salary supplements as a percentage of the state portion of an educator's annual salary paid in accordance with the provisions of 14 **Del.C.** §1305 for gaining knowledge and skills that lead to more effective instruction, for achieving certification from the National Board for Professional Teaching Standards, or from an equivalent program, and for accepting additional responsibility assignments that impact student achievement. Supplements are available subject to an annual appropriation from the Legislature.

5 DE Reg. 2297 (6/1/02)

8 DE Reg. 73 (7/1/04)

2.0 Definitions

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

"Approved Cluster" means a professional development cluster that meets the criteria specified in 3.1 of this Regulation and that has been approved by the Standards Board and the State Board as the basis for awarding a specific salary supplement.

"Base Salary" means the salary earned by the educator as determined by their level of education and years of service on the Delaware educators' salary schedule pursuant to 14 **Del.C.** §1305(a) and (b).

"Delaware Administrator Standards" means standards for education administrators approved by the Standards Board and the State Board of Education, as per 14 **DE Admin. Code** 1590, Delaware Administrator Standards.

"Delaware Content Standards" means K to 12 curriculum content standards approved by the Secretary of Education and the State Board of Education, as per 14 **DE Admin. Code** 501, State Content Standards.

"Delaware Professional Teaching Standards" means standards for teachers approved by the Standards Board and the State Board of Education, as per 14 **DE Admin. Code** 1597, Delaware Professional Teaching Standards.

"Department" means the Delaware Department of Education.

"Educator" means a public school employee who holds a license issued under the provisions of 14 **Del.C.** Ch.12, and includes teachers, specialists, and administrators, and as otherwise defined by the Standards Board and the State Board pursuant to 14 **Del.C.** §1203, but does not include substitute teachers.

"Hours of Engagement" means time spent in classes, seminars, workshops, collaborative work groups, learning communities, cohort, school, or district teams, and time engaged in research based activities which result in the acquisition of knowledge and skills which lead to more effective instruction.

"Knowledge and Skills" means understandings and abilities that, when acquired by educators, lead to more effective instruction.

"NSDC Standards for Staff Development" means standards adopted by the National Staff Development Council for high quality staff and professional development.

"Professional Development Cluster" or **"Cluster"** means a focused group of professional development activities that leads to measurable and observable knowledge and skills.

"Provider" means a local school district, charter school, college, educationally related organization, or professional organization that delivers professional development clusters approved by the Standards Board and the State Board to educators.

"Reauthorization of an Approved Cluster" means the process a provider uses to seek continued approval, after the initial five year approval period, of a previously approved cluster.

"Replication of Approved Clusters" means an approved cluster being delivered by a provider other than the original approved cluster provider.

"Responsibility Assignments" means additional assignments for educators that are academic in nature and that impact student achievement. For purposes of this regulation and pursuant to 14 Del.C. §1305(o) extra curricular or noninstructional supervisory activities are specifically excluded from responsibility assignments.

"Salary Supplement", when referring to knowledge, skills, and responsibility based supplements, means additional state salary, as described in 14 Del.C. §1305.

"Standards Board" means the Professional Standards Board of the State of Delaware established in response to 14 Del.C. §1205.

"State Board" means the State Board of Education of the State of Delaware established in response to 14 Del.C. §104.

8 DE Reg. 73 (7/01/04)

3.0 Knowledge and Skills

- 3.1 The Standards Board shall, on no less than an annual basis, submit to the State Board for approval, lists of proposed new professional development clusters in specific areas of knowledge and skills which shall serve as the basis for awarding salary supplements.
- 3.2 The criteria for evaluating professional development clusters designed to promote acquisition of knowledge and skills are based upon:
 - 3.2.1 Delaware Professional Teaching Standards or Delaware Administrator Standards or their equivalent (i.e., national standards from educators' specialty area organizations that complement the Delaware standards).
 - 3.2.2 Delaware content standards or their equivalent (i.e., national standards from content specialty groups, if there are no Delaware standards for the content area).
 - 3.2.3 National Staff Development Council Standards for Staff Development (NSDC, 2001).
- 3.3 Clusters may include a combination of formal courses at graduate or undergraduate levels, and other research based activities which conform to the NSDC Standards for Staff Development.
- 3.4 Clusters may be comprised of related segments which may be completed separately over a specified period of time, not to exceed 5 years, as included in the cluster design and approved by the Standards Board and the State Board.
- 3.5 Voluntary performance or assessment based specialty certifications awarded for meeting standards established by national professional organizations shall be evaluated as proposed clusters in accordance with this regulation.
- 3.6 The specific percentage of salary assigned to each knowledge and skills supplement, provided that no supplement may be less than 2% nor more than 6% of an educator's base state salary, shall be submitted with the list of professional development clusters and specific areas of knowledge and skills.
 - 3.6.1 A cluster qualifying an educator for a supplement of 2% shall consist of no less than 90 hours of engagement by the educator.
 - 3.6.2 A cluster qualifying an educator for a supplement of 4% shall consist of no less than 180 hours of engagement by the educator.
 - 3.6.3 A cluster qualifying an educator for a supplement of 6% shall consist of no less than 270 hours of engagement by the educator.
- 3.7 Knowledge and skills which, once acquired, are expected to lead to more effective instruction for the duration of an educator's career are designated as permanent supplements.
- 3.8 Knowledge and skills clusters related to new technologies, curriculum adoptions, and short term strategies shall have an initial approval duration of five (5) years.
 - 3.8.1 The initial five (5) year duration will begin on the date of the appropriation approval by the Controller General and the Budget Director and will terminate five (5) years from that date.
 - 3.8.2 A cluster cohort must be assembled and the provider must enter the cohort onto the DEEDS site prior to the cluster termination date. The provider will then make all efforts to complete the cluster in a timely fashion and to complete the online requirements to complete the process.
- 3.9 The provider shall present an educator who satisfactorily completes an approved cluster with a certificate of completion to verify eligibility for a salary supplement. The certificate shall certify the knowledge and skills acquired and demonstrated by the educator. The provider shall provide the Department with a list of educators who have satisfactorily completed an approved cluster.

8 DE Reg. 73 (7/01/04)

4.0 Replication of Approved Clusters

- 4.1 The developer of an approved cluster shall decide if a cluster can be replicated, and shall set forth the conditions, if any, under which the approved cluster may be offered by a provider other than the developer of the approved cluster. The Professional Development and Associated Compensation Committee shall review and approve applications for replication of a cluster, and shall forward approved applications for replication to the Standards Board for action. The Standards Board shall forward approved applications for replication to the State Board for concurrence.
 - 4.1.1 The cluster replication may be offered to participants only within the time period for which the original cluster was approved
 - 4.1.2 A replication cohort must be assembled and the provider must enter the cohort onto the DEEDS site prior to the original cluster termination date. The provider will then make all efforts to complete the cluster in a timely fashion and to complete the online requirements to complete the process.

5 DE Reg. 2297 (6/1/02)

8 DE Reg. 73 (7/01/04)

5.0 Procedures for Reauthorization of Approved Clusters

- 5.1 Approval of a cluster is valid for five (5) years from the date of the appropriation approval by the Controller General and the Budget Director. A provider of a cluster may apply for reauthorization of a cluster by submitting an application for reauthorization to the Professional Development and Associated Compensation Committee, which shall review the application and, if appropriate, forward a recommendation to the Standards Board and the State Board for approval. Reauthorization approval of a cluster shall be for a period of five (5) years.
- 5.2 Cluster providers shall, when applying for reauthorization, provide the Professional Development and Associated Compensation Committee with an evaluation of the effectiveness of a cluster in achieving the stated goals. The evaluation shall include evidence of a positive impact on educators' skills and knowledge and student learning. Evaluation reports shall be submitted on the form provided by the Standards Board.

8 DE Reg. 73 (07/01/04)

10 DE Reg. 1589 (04/01/07)

6.0 Revocation of Approval of a Cluster

- 6.1 Cluster applications are approved for a period of five years from the date of the appropriation approval by the Controller General and the Budget Director. The Standards Board may, however, revoke the approval of a cluster at any time during the five year period of approval for good cause. "**Good Cause**" includes, but is not limited to:
 - 6.1.1 Failure on the part of the provider to complete the delivery of a cluster; or
 - 6.1.2 Failure of the provider to submit evidence of completion to DOE; or
 - 6.1.3 Evidence, as supplied by participant evaluation and verified by the Professional Development and Associated Compensation Committee, of failure to provide content and activities as set forth in the approved application.
 - 6.1.4 Other conduct which negatively impacts the ability of educators to gain new knowledge and skill, such as misrepresentation of the cluster content on the application.

8 DE Reg. 73 (7/01/04)

10 DE Reg. 1589 (04/01/07)

7.0 Responsibility Assignments

- 7.1 The Standards Board shall, on no less than an annual basis, submit to the State Board a list of specific responsibility assignments for approval as the basis for awarding responsibility salary supplements.
- 7.2 Responsibility assignments shall be:
 - 7.2.1 Focused on school improvement issues that impact student achievement;
 - 7.2.2 Supported by high quality, targeted professional development, and
 - 7.2.3 Academic in nature.
- 7.3 In order to qualify for a responsibility assignment salary supplement, an educator shall have completed the state approved training program for the position, or, in the absence of a training program, shall meet the criteria set forth for the position by the Standards Board or local district, charter school, or other employing authority, and shall provide state and district approved levels of service, participate in designated activities throughout the period of responsibility, and document the satisfactory fulfillment of the specified responsibility assignment.

7.4 Extra responsibility salary supplements may be renewed.

5 DE Reg. 2297 (6/1/02)

8 DE Reg. 73 (7/01/04)

8.0 Approval of Professional Development Clusters and Responsibilities

8.1 The Standards Board's Standing Committee on Professional Development and Associated Compensation shall provide the Standards Board with recommendations for approval of professional development clusters, reauthorized clusters, and responsibility assignments in accordance with this regulation.

8.2 The Standards Board shall examine the proposed lists and previously approved lists of clusters to evaluate the system of professional development to determine its overall balance and accessibility.

8.3 If approved by the Standards Board, the lists of professional development clusters, reauthorized clusters, and responsibility assignments shall be forwarded to the State Board with a recommendation for approval.

8.4 Each district, charter school or other employing authority shall notify educators at least annually, in writing, of the clusters it disapproves from the State Board approved list of knowledge and skills clusters.

8 DE Reg. 73 (7/01/04)

9.0 Educators' Eligibility for Salary Supplements

9.1 Skills and Knowledge Salary Supplements

9.1.1 The provider will present an educator who satisfactorily completes an approved cluster with a certificate of completion to verify eligibility for a salary supplement. The certificate shall certify the knowledge and skills acquired and demonstrated by the educator.

9.1.2 After completing the entire cluster, the cluster provider shall submit documentation to the Department certifying that the educator fulfilled the requirements of the cluster's design.

9.1.3 Educators may receive additional salary supplements for successfully completing other approved clusters, subject to the limitations set forth in Section 11.0. No educator is entitled to payment for the same cluster more than once.

9.2 Responsibility Assignments: An educator shall provide the local district, charter school or other employing authority with such information as may be required to enable the local district, charter school or other employing authority to verify that the educator has fulfilled the requirements of 7.3 of this regulation.

8 DE Reg. 73 (7/01/04)

10 DE Reg. 1589 (04/01/07)

10.0 Payment of Salary Supplements

10.1 Salary Supplements for Clusters

10.1.1 Knowledge and skills clusters related to new technologies, curriculum adoptions, and short term strategies shall have a base salary supplement duration of five (5) years.

10.1.2 Salary supplements earned by educators who are paid in accordance with the provisions of 14 **Del.C.** §1305 as a result of completion of an approved knowledge and skills cluster shall be effective the first of the month following receipt by the Department of satisfactory completion of a cluster, and shall be paid as part of the educator's salary for the duration of the time approved for the cluster by the Standards Board and the State Board. The salary supplement shall be based on the Delaware educators' salary schedule: 14 **Del.C.** §1305 (a-b). Salary supplements are subject to an annual appropriation. All applications for a salary supplement for the current fiscal year (July 1 to June 30) must be received in the Office of Professional Accountability no later than June 1. Applications received after June 1 will be approved effective the first day of the next fiscal year. No educator is entitled to payment for the same cluster more than once.

10.2 Salary Supplements for Extra Responsibility Assignments

10.2.1 Salary supplements earned by educators who are paid in accordance with the provisions of 14 **Del.C.** §1305 as a result of fulfilling extra responsibility assignments shall be effective the first of the month following receipt by the Department of documentation from the school district, charter school, or other employing authority of satisfactory completion of the duties associated with the extra responsibility assignment, and shall be paid annually as a single payment or as an additional salary amount spread evenly across an educator's contract period.

8 DE Reg. 73 (7/01/04)

11.0 Limits on Salary Supplements

Salary supplements paid to an educator paid in accordance with the provisions of 14 **Del.C.** §1305 shall not exceed 15% of the State share of the educator's salary.

8 DE Reg. 73 (7/01/04)

8 DE Reg. 1137 (2/1/05)

10 DE Reg. 1589 (04/01/07)

16 DE Reg. 623 (12/01/12) (Final)