

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))  
14 DE Admin. Code 284

### FINAL

#### REGULATORY IMPLEMENTING ORDER

#### **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**

#### **I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

The Secretary of Education intends to amend 14 **DE Admin. Code** 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. This regulation is being amended to reflect the revised Professional Standard Board licensure and certification regulations.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on **September 1, 2015**, in the form hereto attached as *Exhibit "A"*. Comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. There concerns were: (1) the numbering of §10.0. This section was previously §7.0 and was renumbered to be §10.0. It appeared in the online published version that the "7" was not struck through and renumbered. The Department confirmed with the Registrar of Regulations that this was an electronic publishing issue which they will correct in the online version, as the submitted amended regulation did edit this numbering properly. (2) the inconsistent use of the terms "public school employee" and "public education employee" used in the definitions section of the regulation. The Department agrees with this comment and changed the references from "public school employee" to "public education employee" in the definitions of Instructional Paraeducator, Service Paraeducator and Title I Paraeducator; (3) §4.0 needs renumbering for consistency. The Department notes that a new §4.4 was in the submitted regulation but again it did not appear due to a publishing error. The Registrar of Regulations is aware and will make that change; (4) Additionally §4.6.1 - §4.7.1 are not consistent in subject matter as one deals with license renewal and the other is related to license suspension standards. The Department agrees and has deleted this section entirely; (5) the reference to the term "disloyalty" in §12.2. The Department does not wish to change this term in this regulation, as that specific language is used in the Professional Standards Board licensure and certification regulations; (6) The Department removed the words "and Renewal" from 3.0, as an Initial License cannot be renewed.

Also, the Registrar of Regulation asked us to amend 8.1 (bold and bracket) to ensure the first part of the sentence is published in the final version, as it was partially omitted in the proposed regulation.

#### **II. FINDINGS OF FACTS**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 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 in order to reflect the revised Professional Standard Board licensure and certification regulations.

#### **III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 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. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 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 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 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 hereby amended 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 14 **DE Admin. Code** 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 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 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 in the *Administrative Code of Regulations* for the Department of Education.

## V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on **November 19, 2015**. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 19th day of November 2015.

**Department of Education**  
Steven Godowsky, Secretary of Education

Approved this 19<sup>th</sup> day of November 2015

### **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.

#### **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, General Educational Development (GED) and Adult Basic Education (ABE) Programs, and Adult English Language Learners Programs.

**"Clock Hour"** means actual time spent in professional development, ~~not credit hours~~.

~~**"Clusters"** means focused groups of approved professional development activities that lead to measurable and observable knowledge and skills. Clusters shall be approved by the Professional Standards Board and the State Board of Education.~~

**"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).

~~**"Composite Score"** means a total of a Public Education Employee's scores on all three (3) subtest of PRAXIS I which are equal to, or greater than, the sum of the passing scores on the three subtests. Scores from either the PRAXIS I (PPST) paper and pencil test or from the PRAXIS I (CPPST) computerized test may be used when~~

applying the composite score provision. Scores from the PRAXIS I computer based test (CBT) may be used when applying the composite score provision, but may not be used in conjunction with scores from the PRAXIS I (PPST) paper and pencil test or with the PRAXIS I (CPPST) computerized test.

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

**"Curriculum or Assessment Development"** means work with a local, state, national, or international education agency or organization designing curriculum or assessments for improved educational practice in an area related to an individual's professional responsibilities.

**"Date of Hire"** means the effective date of employment by the Department or other employing authority.

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

**"Educational Project"** means an individual professional growth project of 15 or more clock hours, including a research project not related to a course for which credit is claimed, completed to enhance the individual's professional practice, with the development of a final product or report.

**"Educational Travel"** means a travel experience including 15 or more clock hours of work time directly related to the individual's professional responsibilities, including a final project to be used to enhance the individual's work.

**"Educator"** means a person licensed and certified by the State under 14 Del.C. §1202 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. The term 'educator' does not include substitute teachers.

**"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.

**"Exigent Circumstances"** means unanticipated circumstances or circumstances beyond the Public Education Employee's control, including, but not limited to, expiration of a license during the school year, serious illness of the Public Education Employee or a member of his/her immediate family, activation to active military duty, and other serious emergencies which necessitate the Public Education Employee's temporarily leaving active service.

**"Good Moral Character"** means conduct which is consistent with the rules and principles of morality expected of an educator.

**"Immorality"** means conduct which is inconsistent with the rules and principles of morality expected of a Public Education Employee and may reasonably be found to impair a Public Education Employee's effectiveness by reason of his or her unfitness.

**"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 [school 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 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.

**"Jurisdiction"** means a state, territory or country.

**"Knowledge and Skills"** means understandings and abilities that, when acquired by Public Education Employees, lead to more effective execution of their work responsibilities.

**"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.

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

**"License Holder or Licensee"** means any individual who holds an Initial License, Continuing License or Advanced License.

**"Maintenance of Proficiency"** means evidence of valid renewal of National Board for Professional Teaching Standards certification.

**"NBPTS or Similar National Certification"** means a certificate from the National Board for Professional Teaching Standards, or similar body as approved by the Professional Standards Board, verifying completion of all requirements in an individual's job related area of the profession or, in the case of an individual seeking, but not earning, the national certificate, verification of the clock hours devoted to completing the requirements for the national certificate.

**"Part Time Adult Education Employees"** means those teachers, counselors, site coordinators, paraeducators and administrators who work in aAdult education programs "part time" as defined by the State Pension Office.

**"PRAXIS I or PPST"** means a test from Educational Testing Service of general knowledge in reading, writing, and mathematics.

**"PRAXIS I CBT"** means the discontinued PRAXIS I computer based test from Educational Testing Service taken between November 1993 and December 2001, with a possible score range of 300 to 335. Scores from the PRAXIS I CBT test may not be combined with scores from the PRAXIS I paper and pencil test or the PRAXIS I computerized test (CPPST) to derive a composite score.

**"PRAXIS I CPPST"** means the PRAXIS I computerized test from Educational Testing Service which began in January 2002. This test, which is delivered in a computer format, has a possible score range of 150 to 190. Scores from the CPPST and the PRAXIS I (PPST) paper and pencil test may be combined for a composite score.

**"Presentation"** means preparation and presentation as a workshop or conference presenter or course instructor on a topic related to the individual's professional responsibilities.

**"Prison Education Programs"** means a programs provided by the Department of Education for incarcerated adults offenders in adult correctional facilities within the four level five (5) institutions in the State.

**"Professional Conference, Workshop, Institute, or Academy"** means a program offered either within, or outside, the state that contributes to the participant's professional knowledge or skills in effectively conducting his/her work in education.

**"Professional Development"** means classes, seminars, workshops, collaborative work groups, learning communities, or cohort teams which result in the acquisition of knowledge and skills which lead to more effective execution of work responsibilities.

**"Professional Development Activities"** means activities designed to enhance knowledge and skill to promote continuous professional growth and to improve the performance of Public Education Employees.

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

**"Professional Programs or Committees"** means job related service, designed to enhance the profession.

**"Publication"** means the preparation of a formally published book, article, report, study, or grant that contributes to the education profession or adds to the body of knowledge in an individual's specific field, but does not include such items prepared as part of a course for which an individual is also claiming credit.

**"Public Education Employee"** means an Public Education Employee whose work responsibilities are directly related to curriculum and instruction, and as identified by the Department of Education, which includes Department employees, aAdult education employees and pPrison education Program employees but does not include public school Public Education Employees who shall be licensed and certified in accordance with 14 Del.C. Ch.12 Subchapters II and III or persons who serve as instructors for apprenticeship, trade extension or special interest courses.

**"Standards Board"** means the Professional Standards Board established pursuant to 14 Del.C. §1205.

**"Service Paraeducator"** means a public [school 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.

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

**"Secretary"** means the Secretary of the Delaware Department of Education

**"Student Teaching Program"** means a traditional student teaching placement within a National Association of State Directors of Teacher Education and Certification or National Council for the Accreditation of Teacher Education approved program offered by a college or university, or such alternatives as deemed appropriate to the program, such as supervised internships or other field based experience recognized as a required component of the regionally accredited educator preparation program. For the purposes of this regulation, student teaching program also means one year of teaching experience within the last year consisting of a minimum of 91 days of long term teaching experience at one assignment during which regular evaluations were conducted, evidencing at least satisfactory performance.

**"Suspension"** means the temporary removal of an Initial License for failure to pass the PRAXIS I test.

**"Title I Paraeducator"** means a public [school 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.

**"Unfit"** means lack of good moral character, misconduct in office, incompetence, a pattern of ineffective teaching, willful neglect of duty, disloyalty or falsification of credentials.

**"Valid and Current Certificate from another State"** means a current full or permanent certificate or license issued by another state. It does not include temporary, emergency or expired certificates or licenses issued from another state.

### 3.0 Issuance [and Renewal] 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 other related experience in a private or public educational agency or institution enrollment in an Alternative Routes to Licensure and Certification Program, and (3) a passing score on an eExamination of gGeneral knowledge, such as PRAXIS I, or such other alternatives as described in 3.2.4 14 DE Admin. Code 1510. For the purposes of this regulation, a bachelor's degree for a trades and industry 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 shall must verify that they possess the prescribed knowledge, skill or education to practice in that area, subject, or category.
- 3.1 A Public Education Employee applying for an Initial License shall submit the completed application form, official transcripts, and official scores on an examination of general knowledge, such as the PRAXIS I tests in any format, as defined in 2.0, to the Department.
- 3.1.1 Official transcripts shall be forwarded directly from the issuing institution or by the Public Education Employee in an unopened, unaltered envelope.
- 3.2 Examination of General Knowledge Requirements 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.

- 3.2.1 A Public Education Employee seeking initial licensure in Delaware shall provide the Department with official test scores for one or more of the following tests of essential skills in reading, writing and mathematics: the PRAXIS I Tests (PPST) or such alternatives as set forth in 3.2.4 below.
- 3.2.2 Scores of Examinations of General Knowledge.
  - 3.2.2.1 The following minimum passing scores are required in the areas of reading, writing and mathematics for each of the examinations of essential skills.
    - 3.2.2.1.1 Pre professional Skills Test (PPST) taken between July 1, 1983 and October 22, 1993: reading, 175, mathematics, 175, writing, 172.
    - 3.2.2.1.2 PRAXIS I (PPST) Paper and Pencil Tests and thereafter with a possible score range of 150 to 190 and PRAXIS I Computerized Pre Professional Skills Tests taken January 1, 2002 and thereafter, both of which have a possible score range of 150 to 190, with passing scores of: reading, 175, mathematics, 174, writing, 173.
    - 3.2.2.1.3 PRAXIS I, Computer Based Tests (CBT) (Tests taken between October 23, 1993 and December 31, 2001), with passing scores of: reading, 322, mathematics, 319, writing, 319.
- 3.2.3 Public Education Employees holding Delaware certificates issued prior to July 1, 1983 are exempt from the testing requirements.
- 3.2.4 Acceptable alternatives to the PRAXIS I test scores include:
  - 3.2.4.1 Scores from the California Test of Basic Skills (CTBS) shall be accepted in lieu of PPST or PRAXIS I scores if the test was taken as a condition of meeting certification or licensure requirements in that state and the scores total 123, with a minimum of at least 37 in each category.
  - 3.2.4.2 Scholastic Aptitude Tests (SAT) taken after April 1, 1995 and presented for exemption shall meet the scores set forth below due to a re centering of the SAT.
    - 3.2.4.2.1 A minimum score of 520 on the SAT Mathematics taken prior to 4/1/95, and a minimum score of 540 on the SAT Mathematics test taken thereafter shall be accepted as fulfillment of the PRAXIS I Mathematics requirement.
    - 3.2.4.2.2 A minimum score of 480 on the SAT Verbal test taken prior to April 1, 1995, and a minimum score of 560 on the SAT verbal test taken thereafter will be accepted as fulfillment of the PRAXIS I reading requirement.
  - 3.2.4.3 Graduate Record Examination (GRE) scores presented for exemption shall meet the scores set forth below.
    - 3.2.4.3.1 A minimum score of 490 on the Graduate Record Examination (GRE) Verbal test shall be accepted as fulfillment of the PRAXIS I reading requirement.
    - 3.2.4.3.2 A minimum score of 540 on the Graduate Record Examination (GRE) Quantitative test shall be accepted as fulfillment of the PRAXIS I mathematics requirement.
  - 3.2.4.4 National Teacher Examination (NTE) Core Battery Communications Skills with a minimum score of 670 will be accepted as fulfillment of the PRAXIS I writing requirement.
- 3.2.5 Any Scholastic Aptitude Test (SAT) scores, Graduate Records Exam (GRE) scores or NTE Communication Skills scores intended to be used as an exemption for the PPST or PRAXIS I, shall be submitted within the same timeline as that required for PRAXIS I and scores shall pre date the employment date.
- 3.2.6 Timeline for Examination of General Knowledge.
  - 3.2.6.1 A Public Education Employee applying for an Initial License shall pass the three PRAXIS I (PPST) tests in any format or an approved alternative within the period of time from the date of hire to the end of the next, consecutive fiscal year. If proof of passage of Praxis I is not provided by the end of the next consecutive fiscal year, the Initial License shall be suspended. Notwithstanding the foregoing, the Department or other employing authority may submit to the Secretary of Education a written request for a one year extension. The request shall document the effectiveness of the applicant.
    - 3.2.6.1.1 Evidence of passage of PRAXIS I within the time period of the suspension shall result in the reinstatement of the Initial License.
    - 3.2.6.1.2 If proof of passage of PRAXIS I is not provided by the end of the next consecutive fiscal year, the Initial License shall be suspended for a maximum of two years.
    - 3.2.6.1.3 Suspension
      - 3.2.6.1.3.1 A Public Education Employee who does not pass PRAXIS I during the time period of the suspension, and whose Initial License is expired, shall reapply and may be issued an Initial

License, valid for three years, if he/she meets the requirements for initial licensure then in effect.

~~3.2.6.1.3.2 Notwithstanding the foregoing, the Department or other employing authority may submit to the Secretary of Education a written request for a one year extension. The request shall document the effectiveness of the applicant.~~

~~3.2.6.1.4 Composite Score~~

~~3.2.6.1.4.1 Scores from either the paper and pencil PRAXIS I (PPST) test or from the computerized PRAXIS I (CPPST) test, begun in January, 2002, both of which have a possible score range of 159 to 190, may be used when applying the composite score provision. Scores from the PRAXIS I computer based test (GBT), taken between November, 1993 and December 31, 2001 may be used when applying the composite score provision, but may not be used in conjunction with the paper and pencil PRAXIS I test or with the computerized PRAXIS I (CPPST) test.~~

~~3.2.6.1.4.2 A Public Education Employee applying for an Initial License who does not achieve a passing score on PRAXIS I, but whose score on PRAXIS I is within 2 points of the passing score on the reading, writing, or mathematics section of PRAXIS I may use a composite score to meet the requirements of passage.~~

~~3.2.6.1.4.3 Notwithstanding the use of a composite score, a Public Education Employee who seeks to teach in the secondary or adult education content area of mathematics shall meet the current state passing score for the PRAXIS I mathematics test. A Public Education Employee who seeks to teach in the secondary or adult education content area of English language arts shall meet the current state passing score for the PRAXIS I reading and writing tests.~~

~~3.2.6.2 An applicant in a Trade and Industry are shall pass PRAXIS I or an approved alternative within six (6) years of the date of employment or before the expiration of the Initial License, whichever is later.~~

~~3.2.7 There is no limit on the number of times an individual may take the PPST or PRAXIS I. Once passed, a section need not be taken again.~~

~~3.2.7.1 Passing scores in each area (reading, writing, mathematics) may be attained in any testing format.~~

~~3.2.8 Submission of Scores of Examination of General Knowledge.~~

~~3.2.8.1 Test scores shall be official and sent directly from Educational Testing Service or other test vendor to the Department.~~

~~3.2.8.2 Unopened, unaltered envelopes containing PPST or PRAXIS I scores or scores of acceptable alternatives sent to the individual may be accepted as official. The Department shall determine whether the scores as presented are acceptable.~~

~~3.2.8.3 Direct verification from another State Department of Education shall be considered as official. An original of the grade form shall be forwarded directly from the other State Department to the Department. This method will be accepted only when official test scores from Educational Testing Service are not available.~~

~~3.3 The Department shall not act on an application for licensure if the Public Education Employee is under official investigation by any state or local authority with the power to issue Public Education Employee 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.~~

~~3.4 Trades and Industry Teacher Experience Requirements.~~

~~3.4.1 A bachelor's degree equivalent for a Trades and Industry teacher shall be two (2) years of college or technical training, plus six (6) years of trade experience. The requirement for two (2) years of college or technical training may be satisfied through the satisfactory completion of the requirements for any one or an appropriate combination of the following experiences in the area to be taught equaling:~~

~~3.4.1.1 An associates degree with a major in the specific occupational area to be taught; or~~

~~3.4.1.2 Two years of college majoring in the specific occupational area to be taught with at least 50% of the major courses required for a bachelor's degree satisfactorily completed; or~~

~~3.4.1.3 A state issued certificate indicating completion of apprenticeship hours and apprentice related training (e.g. journey papers); or~~

~~3.4.1.4 Four years of sequential Delaware Trade Extension courses; or~~

~~3.4.1.5 Four years of National Center for Construction Education and Research's Contren documented training; or~~

- 3.4.1.6 Nine high school credits of career and technical high school training; or
  - 3.4.1.7 Passage of the State of Delaware Licensing test, offered through the Division of Professional Regulation; or
  - 3.4.1.8 576 Hours of military training; or
  - 3.4.1.9 576 Hours postsecondary trade school training; or
  - 3.4.1.10 Completing the written and performance teacher testing for the National Occupational Competency Testing Institute with a minimum score set by the Department; or
  - 3.4.1.11 DOE approved equivalents.
- 3.5 An Initial License is valid for three (3) years, unless revoked, and may not be renewed. Notwithstanding the foregoing, an Initial License issued to a Public Education Employee in a vocational trade and industry area is valid for up to six (6) years to provide time for completion of specified college level course work required for certification.
- 3.5.1 An Initial License issued to an applicant who is not currently employed by the Department or other employing authority shall be inactive until such time as a Public Education Employee is employed by the Department or other employing authority. Once employed, the Initial License shall be in effect for three (3) years from the date of hire until the last day of the month of issuance three (3) years later, except in the case of the Trade and Industry areas which shall expire on the last day of the month of issuance six (6) years later.
  - 3.5.2 During the term of the Initial License, license holders are required to participate in prescribed professional development activities offered by the Department or other employing authority.
- 3.6 Public Education Employees graduating from foreign institutions shall provide an analysis of the degree equivalency, along with all other required application materials, which shall be reviewed by the Department.
- 3.7 The Department may extend an Initial License for a period not to exceed one (1) year, exigent circumstances warranting the necessity of such extension.
- 3.7.1 A Public Education Employee whose license expires during the year may have the Initial License extended until the last day of the fiscal year upon a request from the Department or other employing authority. This extension shall be considered an exigent circumstance and shall not exceed one (1) year in length.
- 3.8 A Public Education Employee may take a leave of absence of up to three (3) years with no effect upon the validity or expiration of the Initial License.
- 3.9 A Public Education Employee shall disclose his or her criminal conviction history upon application for an Initial License. Failure to disclose a criminal conviction history is grounds for denial or revocation of an Initial License as specified in 14 **Del.C.** §1219.
- 3.10 The Secretary of Education may, at the request of the Department or other employing authority, review licensure credentials on an individual basis and grant a license to a Public Education Employee who otherwise does not meet the requirements for Initial License, but whose effectiveness is documented by the Department or other employing authority.

#### 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 that who provides evidence of having completed three (3) or more years of successful teaching experience or other relevant educationally related 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 The Department shall not act on an application for a Continuing Licensure if the Public Education Employee 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. 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.
- 4.4.3 A Public Education Employee applying for a Continuing License shall submit the approved application form 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 also be submitted to the Department prior to the issuance of the Continuing License with an initial application for a Continuing License.
- 4.3 The Department may issue a Continuing License to a Public Education Employee who previously held a valid Delaware License that has expired.

4.3.1 A Public Education Employee who has completed three (3) or more years of successful teaching or other relevant educational experience and who holds a Continuing License which has expired who has been out of the profession for more than three (3) years may be issued a Continuing License.

4.4 The Department shall renew a Continuing License, valid for an additional 5 years, to a Public Education Employee who has fulfilled the 90 clock hour requirement for professional development. At least one half of the required hours (45 hours every five years) 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 4.4.1, shall be submitted to the Department with the application for renewal. The 90 clock hours of professional development shall have taken place during the term of the Continuing License. An applicant with more than one (1) unsatisfactory annual evaluation during the period of initial licensure is ineligible to be issued a Continuing License.

4.4.1 Options for Relicensure

**Table 4:**

OPTION	HOURLY VALUE	VERIFICATION	CRITERIA
College Credit	1 semester hour = 15 clock hours. 1 quarter hr. CEU = 10 clock hours.	Official Transcripts. Original Grade Slips. Original Certificate of Completion for CEUs.	Shall be completed at a regionally accredited college. Shall be taken for credit with grade of "C" or better or a "P" in pass or fail course.
"Clusters" of skills and knowledge. (Does not apply to DOE Staff Development) (Can be used for relicensure purposes only)	Verified clock hours in completion of cluster activities.	Approval Slip or Form Verifying Completion.	Cluster shall be prior approved by Professional Development and Associated Compensation Committee, the Professional Standards Board and the State Board of Education.
Planned professional development	Verified clock hours actively involved in professional development activities (Maximum of 45 Hours)	Certificate of Attendance provided by the sponsor of the professional development	Shall focus specific identified needs.
Professional Conference or Workshop or Institute or Academy	Verified clock hours actively involved in workshop or conference sessions (Maximum of 45 Hours)	Original Certificate of Attendance or Completion or letter from Supervisor and Conference Staff. Copies and Exhibits of products developed by Public Education Employee. Course Attendance Slip	Shall include only time spent in those portions of the workshop or conference program that contribute to the Public Education Employee's knowledge, competence, performance, or effectiveness in education.
Intern Supervisor	Verified clock hours involved in support of the intern. (Maximum of 45 Hours)	Activity Documentation Form completed by Director of the Intern Program.	Shall be supervision of graduate or undergraduate intern.
Presentation	Verified clock hours preparing and presenting (Maximum of 45 Hours)	Activity Documentation Form	Shall include only actual time preparing and presenting a course, workshop, or presentation. (Clock hours limited to first preparation and presentation of individual course, workshop, or presentation.)

<del>Educational Project</del>	<del>Verified clock hours completing project. (Minimum of 15 clock hours and Maximum of 45 Hours)</del>	<del>Activity Documentation Form</del>	<del>Shall obtain final verification after completion and verification.</del>
<del>Curriculum Assessment and Development</del>	<del>Verified clock hours of service; (Minimum of 3 clock hours Maximum of 45 Hours)</del>	<del>Original documentation from committee chair verifying actual clock hours of participation</del>	<del>Shall be service on formal committee organized by local, state, national, or international education agency or organization.</del>
<del>Educational Travel</del>	<del>Verified clock hours of experience. (Minimum of 15 clock hours per travel activity with a Final Project Maximum of 45 Hours)</del>	<del>Activity Documentation Form</del>	<del>Shall be prior approval by the Department or other employing agency.</del>
<del>Professional Programs or Committees</del>	<del>Verified clock hours of service or experience. (Maximum of 45 Hours)</del>	<del>Original documentation from committee chair or activity leader verifying actual clock hours of participation.</del>	<del>Shall be a formal activity provided through a recognized local, state, national, or international education agency or organization</del>
<del>Publication</del>	<del>30 clock hours for book. Up to 15 clock hours per other publication (Maximum of 45 Hours)</del>	<del>Copy of Publication or Document.</del>	<del>Shall contribute to the education profession or add to the body of knowledge in the individual's specific field. Shall be commercially published or a formally approved document or formally published in a medium sanctioned by a recognized state or national agency or organization. If a grant, shall be approved for funding.</del>
<del>NBPTS Certification or similar National Certification (Can be used for relicensure purposes only)</del>	<del>45 clock hours for attaining national certification Not complete, and then use verified clock hours completing portfolio activities. (Maximum of 45 Hours)</del>	<del>A Valid Copy of the National Certificate. For candidate not completing certificate, use the Activity Documentation Form.</del>	<del>Holds a certificate indicated by NBPTS as related to the Public Education Employee's work or assignment. Certificate or participation as a candidate shall be completed and verified by the expiration date of the Delaware certificate.</del>

4.4.2 For renewal of the Continuing License, Public Education Employees may complete and document clock hours for the variety of activities described under relicensure options. When college or university courses are used to fulfill the requirements, the following equivalencies will be used: 1 semester hour = 15 clock hours, 1 quarter hour = 10 clock hours, 1 CEU = 10 clock hours. To be documented for clock hours, activities shall meet the criteria set forth in the regulations and shall be appropriately verified and applied for. Professional development activities that are part of an assistance plan may be used to satisfy this requirement. Individuals, schools or school districts, or other agencies organizing or conducting professional development activities which may be used for fulfilling the requirements for renewal of a license are responsible for providing documentation of participation to all participants. Each Public Education Employee is responsible for obtaining any necessary approvals, as set forth in 4.4.1, from his or her employer before participating in a professional development activity. An employer may not impose additional activity requirements on the award of clock hours towards renewal of a Continuing License.

4.4.2.1 Criteria for determining if activities are acceptable for clock hour credit for a Public Education Employee shall include the following:

- 4.4.2.1.1 The activity enhances the knowledge and skills in the Public Education Employee's job or contributes to his/her school or profession.
- 4.4.2.1.2 The activity meets one of the relicensure options.
- 4.4.2.1.3 The activity is completed during the term of the Public Education Employee's current Continuing License.
- 4.4.2.1.4 Participation in or completion of, the activity can be documented.
- 4.4.3 The Relicensure Application, Activity Documentation Form, and, where required, original or official documents shall be used to verify activities for renewal of a Continuing License. Official transcripts or original grade slips shall be required documentation for successful completion of college courses.
- 4.4.4 For applicants who change positions during the five year term of a Continuing License, clock hours documented shall have been appropriate to the Public Education Employee's position at the time the clock hours were completed.
- 4.4.5 To obtain renewal of a Continuing License, Public Education Employees shall be required to participate in professional development activities totaling 90 clock hours every five years. The 90 clock hours shall be completed during the five year term of the license.
  - 4.4.5.1 Public Education Employees seeking renewal of a Continuing License may select from the variety of professional development options in 4.4.1. The activities selected shall be beyond the normal or specified requirements of the position. Professional development activities which fulfill the criteria for relicensure for which Public Education Employees receive compensation may be submitted in fulfillment of the 90 clock hour requirement for relicensure. Graduate credits used to satisfy the 90 clock hour requirement for license renewal may, if part of a matriculated program, also be used for a salary increment on the state salary schedule. The activities or options used to satisfy the 90 clock hour requirement for license renewal may be part of an approved professional development cluster eligible for a salary supplement if the Public Education Employee is employed in Adult or Prison Education programs.
- 4.4.6 The Department may extend a Continuing License for a period not to exceed one year, exigent circumstances warranting the necessity of such extension.
- 4.4.7 A Public Education Employee may take a leave of absence of up to three years with no effect upon the validity or expiration of the Continuing License.
- 4.4.8 A Public Education Employee shall disclose his or her criminal conviction history upon application for a Continuing License.
- 4.4.9 A Public Education Employee whose license expires during the fiscal year may have the Continuing License extended until the last day of the fiscal year. This extension shall be considered an exigent circumstance and shall not exceed one (1) year in length.
- 4.4.10 The Secretary of Education may, upon the written request of the Department or other employing authority, review credentials submitted in application for a Continuing License on an individual basis and grant a Continuing License to an applicant who otherwise does not meet the requirements for a Continuing License, but whose effectiveness is documented by the Department or other employing authority.
- 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.
  - 4.6.1 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.**
  - 4.6.2 The license holder shall have thirty (30) calendar days from the date the notice of the suspension was mailed to make a written request for a hearing.**
  - 4.6.3 If no written request for a hearing is received by the Secretary by thirty (30) calendar days from the date the notification was mailed, the license holder's license shall be deemed to be suspended and the holder shall be so notified.**
  - 4.6.4 All communications between a license 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.**

#### **4.7 Hearings and Procedures**

~~4.7.1 Unless otherwise provided for in this Section, the burden of proof in a license suspension action shall be on the agency taking official action to establish by preponderance of the evidence that the license holder has failed to comply with the applicable laws and regulations relating to the retention of the license.]~~

#### **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.
- ~~5.1.1 The Department shall issue, upon application, an Advanced License to a Public Education Employee licensed in another jurisdiction that provides verification of receipt of National Board Certification.~~
- ~~5.1.1.1 The Department shall not act on an application for licensure if the Public Education Employee is under official investigation by any state or local authority with the power to issue Public Education Employee 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.~~
- 5.2 ~~The Department shall renew an Advanced License, valid for an additional 10 years, to a Public Education Employee who has maintained proficiency through the National Board for Professional Teaching Standards. Proficiency for National Board Certification shall be deemed to have been maintained if the Public Education Employee provides evidence of valid renewal of National Board for Professional Teaching Standards certification. 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.~~
- ~~5.2.1 The Department shall renew an Advanced License upon receipt of a list of successful Delaware candidates for renewal provided annually by the National Board for Professional Teaching Standards.~~
- ~~5.2.2 An Public Education Employee who elects not to renew with the National Board for Professional Teaching standards or who fails to meet the recertification requirements set forth by the National Board shall be issued a Continuing License.~~
- ~~5.2.3 The Department may extend an Advanced License for a period not to exceed one year, exigent circumstances warranting the necessity of such extension.~~
- 5.3 ~~A Public Education Employee may take a leave of absence of up to three years with no effect upon the validity or expiration of the Advanced License.~~
- 5.4 ~~A Public Education Employee shall disclose his or her criminal conviction history upon application for an Advanced License.~~

#### **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.
- 6.1 ~~The Public Education Employee shall have acquired the prescribed knowledge, skill or education to practice in a particular area, to teach a particular subject, supervise a particular area at the Department or teach a particular category of students by:~~
- ~~6.1.1 Obtaining National Board for Professional Teaching Standards certification in the area, subject, or category for which a Standard Certificate is requested; or~~
- ~~6.1.2 Meeting the definition of a Public Education Employee in 2.0 and the requirements set forth in 6.1 or 7.0 of the regulation governing the issuance of a Standard Certificate in the area for which a Standard Certificate is sought; or~~
- ~~6.1.3 Graduating from an NCATE specialty organization recognized educator preparation program or from a State approved educator preparation program where the State approval body employed the appropriate NASTEC or NCATE specialty organization standards, offered by a regionally accredited college or university, with a major or its equivalent in the area of the standard certificate requested; or~~
- ~~6.1.4 Holding a Bachelor's Degree from a regionally accredited college or university in any content area; and~~

- 6.1.4.1 Achieving a passing score, as established by the Standards Board, in consultation with the Department and with the concurrence of the State Board, on a Praxis II examination where applicable and available in the area requested, or
- 6.1.5 A valid and current educator certificate from Delaware or another state in the area for which a Standard Certificate is sought.
- 6.2 Public Education Employees May hold Standard Certificates in more than one area. 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.
- 6.3 The Department shall not act on an application for certification if the Public Education Employee 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.
- 6.4 A Public Education Employee applying for a Standard Certificate shall submit Official transcripts; or official scores on the Praxis II examination, if applicable and available, or evidence of passage of the National Board for Professional Teaching Standards Certificate; or an official copy of the out of state license or certification, if applicable or other relevant experience in a private or public educational agency or institution.
- 6.4.1 If applied for simultaneously with application for an Initial License, the Public Education Employee shall provide all required documentation for that application in addition to the documentation cited above.
- 6.5 If a Public Education Employee holds a valid Initial, Continuing, or Advanced Delaware License as an educator; or a Limited Standard, Standard or Professional Status Certificate issued prior to August 31, 2003 and becomes employed as a Public Education Employee, only that documentation necessary to demonstrate acquisition of the prescribed knowledge, skill or education required for the relevant Standard Certificate requested shall be required.
- 6.6 A Standard Certificate is valid regardless of the assignment or employment status of the holder of a certificate or certificates, and is not subject to renewal. It shall be revoked in the event the Public Education Employee's Initial, Continuing, or Advanced License or Standard or Professional Status Certificate is revoked in accordance with 10.0. An educator whose license or certificate is revoked is entitled to a full and fair hearing before the Department.
- 6.7 The Secretary of Education may, upon the written request of the Department or other employing authority, review credentials submitted in application for a Standard Certificate on an individual basis and grant a Standard Certificate to an applicant who otherwise does not meet the requirements for a Standard Certificate, but whose effectiveness is documented by the Department or other employing authority.

## **7.0 Emergency Certificate**

- 7.1 In addition to the requirements in 6.0, a Public Education Employee teaching in Adult Education Programs shall hold a Bachelor's degree in Adult, Elementary, or Secondary Education from a regionally accredited college or university and meet one of the following specialized Adult Education preparation or experience requirements. 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.
- 7.1.1 Satisfactory completion of six (6) semester hours of college level course work in adult education from an accredited college or university or,
- 7.1.2 Completion of six (6) approved courses or clusters in Adult Education under higher education or state education agency sponsorship or,
- 7.1.3 Completion of three (3) approved Adult Education credits and two (2) years of documented satisfactory internship or employment as a teacher, counselor, or administrator in an approved Adult Education program as documented by the program administrator.
- 7.1.4 A teacher of adults with special needs shall meet the requirements in 7.1 plus one college level course in the education of exceptional students and one year of documented satisfactory employment as a teacher, counselor or administrator in a program for exceptional students.
- 7.2 A Public Education Employee serving as an administrator in an 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. The Public Education Employee shall also complete 18 semester hours or its equivalent within a Master's degree

~~program or in addition to a Master's Degree program of courses directly related to adult education and the adult learner. 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.~~

~~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.~~

~~7.3 A Public Education Employees working in Adult Education Programs as a classroom aide shall complete two (2) approved inservice credits in Adult Education or have staff development activities under the sponsorship of the Department or a higher education institution in addition to a high school diploma or GED.~~

## **8.0 Issuance of a Paraeducator Permit**

~~In addition to the requirements in 6.0, persons employed by the Department of Education shall be certified by the Department for the position they hold at the Department.~~

~~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.~~

## **9.0 Denial of Licenses and Certificates**

### **89.0 Certification Requirements for Those Public Education Employees Working at the Department of Education.**

~~9.1 The Department may refuse to issue an Initial License, Continuing License, Advanced License or a Standard or Emergency Certificate to an applicant upon a finding that the applicant fails to meet the statutory or regulatory requirements for a license or certificate. 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.~~

~~9.1.1 Upon a finding that an applicant is unfit to be licensed or certified in the State, the Department may refuse to issue an Initial License, Continuing License or an Advanced License or a Standard or Emergency Certificate to an applicant who otherwise meets the requirements set forth herein.~~

~~9.1.2 Notwithstanding any other provisions stated herein no license or certificate shall be issued to an applicant for an Initial, Continuing or Advanced License or Standard or Emergency Certificate if:~~

~~9.1.2.1 There is legal evidence that the applicant is not of good moral character; or~~

~~9.1.2.2 The applicant has had a certificate or license revoked in another state for immorality, misconduct in office, incompetence, and willful neglect of duty, disloyalty or falsification of credentials.~~

~~9.1.3 The Secretary shall give written notice to the applicant of the denial and the reasons therefore. The notice of denial shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Secretary within ten (10) days.~~

### **710.0 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.

## **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.

## **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.

## **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.

## **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.

## **105.0 Revocation Refusal of Licenses and Certificates**

- ~~10.1 An Initial, Continuing or Advanced License may be revoked upon the dismissal of the licensee or certificate holder for immorality, misconduct in office, incompetence, willful neglect of duty or disloyalty, or upon the license holder's resignation or retirement pending dismissal for immorality, provided that clear and convincing evidence establishes the underlying misconduct, and shall be revoked upon a finding that the license or certificate holder made a materially false or misleading statement in his or her license or certificate application.~~
  - ~~10.1.1 When any license or certificate holder is dismissed for immorality, the employing authority making such a determination shall, upon final decision, give written notice to the Associate Secretary for Assessment and Accountability.~~
  - ~~10.1.2 When any license or certificate holder is dismissed for misconduct in office, incompetence, willful neglect of duty or disloyalty, the employing authority making such a determination may, upon final decision, give written notice to the Associate Secretary for Assessment and Accountability of its desire to request the revocation of that individual's license or certificate.~~
  - ~~10.1.3 When a license or certificate holder resigns employment or retires pending dismissal for immorality the employing authority upon accepting the resignation or retirement, shall give written notice to the Associate Secretary for Assessment and Accountability.~~
  - ~~10.1.4 Upon receipt of written notification from the employing authority, the Associate Secretary for Assessment and Accountability shall give written notice to the license or certificate holder of the intended revocation~~

and the reasons therefore. The notice of revocation shall be sent by certified mail and shall give notice that a full and fair hearing may be requested before the Secretary within thirty (30) days.

~~10.1.5 The Associate Secretary for Assessment and Accountability may initiate proceedings to revoke a license or certificate holder's license or certificate when she/he has good reason to believe that clear and convincing evidence establishes that any of the following circumstances exist:~~

~~10.1.5.1 The license or certificate holder has been convicted of a crime which is evidence of immorality;~~

~~10.1.5.2 The license or certificate holder who is not employed by a public school district or charter school or other employing authority has resigned his/her employment or retired pending dismissal for immorality; or~~

~~10.1.5.3 The license or certificate holder has had a certificate or license revoked in another state for immorality, misconduct in office, incompetence, willful neglect of duty or disloyalty or falsification of credentials.~~

~~10.1.6 If the licensee fails to request a formal hearing before the Secretary within thirty (30) days of the notice of revocation, the Secretary shall send written notification by certified mail to the individual revoking his/her license.~~

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.

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

## **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.

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