

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1221(2) (14 **Del.C.** §§1203, 1205(b), and 1221(2))
14 **DE Admin. Code** 1504

PROPOSED

PUBLIC NOTICE

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

1504 Certificate of Eligibility

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1221(2), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1504 Certificate of Eligibility. The regulation concerns the issuance, extension, and retention of a Certificate of Eligibility. The proposed amendments include clarifying Section 1.0; striking terms in Section 2.0; revising Section 3.0, which concerns issuing a Certificate of Eligibility; adding the issuance, extension, application, and retention requirements for individuals who seek an Initial License and content area Standard Certificate in Section 4.0; adding the issuance, extension, application, and retention requirements for individuals who hold an Initial, Continuing, or Advanced License and content area Standard Certificate in Section 5.0; revising Section 6.0, which concerns validity of a Certificate of Eligibility; revising Section 8.0, which concerns disciplinary action; and adding Section 9.0, which concerns applicants' and educators' contact information.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before January 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The requirements in Sections 3.0, 4.0, and 5.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The requirements in Sections 3.0, 4.0 and 5.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

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

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

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change the authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in subsections 4.3 and 5.3 apply to individual applicants.

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

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of

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

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

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

1504 Certificate of Eligibility

1.0 Content

- 1.1 This regulation shall apply to the issuance, extension, and retention of a Certificate of Eligibility pursuant to 14 Del.C. §1221(2) for educators who are pursuing the following certifications:
- 1.1.1 14 DE Admin. Code 1570 Early Childhood Exceptional Children Special Education Teacher; or
 - 1.1.2 14 DE Admin. Code 1571 Special Education Teacher of Students with Disabilities; or
 - 1.1.3 14 DE Admin. Code 1573 Teacher of Students with Autism or with Severe Intellectual Disabilities; or
 - 1.1.4 14 DE Admin. Code 1574 Teacher of Students Who Are Deaf or Hard of Hearing; or
 - 1.1.5 14 DE Admin. Code 1575 Teacher of Students with Visual Impairments.
- 1.2 This regulation does not apply to an Emergency Certificate, which is a temporary credential that may be issued to an applicant who is not fully certified in a specific area to serve as the educator of record in that area while the applicant pursues a Standard Certificate.

2.0 Definitions

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

"Certificate of Eligibility" means a credential which may be issued to teachers of students with disabilities if the employing district or charter school establishes that the proposed recipient meets the requirements of 14 Del.C. §1221(2).

~~"Certification" means the issuance of a certificate, which may occur regardless of a recipient's assignment or employment status.~~

~~"Credentialed" means holding an active license and an active certificate in a specific content area at appropriate grade levels.~~

"Department" means the Delaware Department of Education.

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

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

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

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

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

3.0 Issuance of a Certificate of Eligibility

- 3.1 ~~Upon receipt of a completed application from the Employing Authority, the Department may issue a Certificate of Eligibility to an Educator who holds a valid Delaware Initial, Continuing, or Advanced License, but who is not eligible for Certification in the area of need for students with disabilities identified in Section 1.0 of this regulation. In accordance with 14 Del.C. §1221(2), the Department may issue a Certificate of Eligibility to an applicant who satisfies all of the requirements in subsections 3.1.1 through 3.1.6.~~
- 3.1.1 A Certificate of Eligibility is valid for one school year subject to subsection 3.1.3 of this regulation. The applicant shall meet the requirements for issuance of a Delaware Initial License or hold a valid and current Delaware Initial, Continuing, or Advanced License.

- 3.1.2 ~~The Certificate of Eligibility is issued for one school year and expires on June 30th. The applicant seeks 1 of the Standard Certificates in subsection 1.1 but does not meet the requirements for issuance of the Standard Certificate sought.~~
- 3.1.3 ~~The Department may grant a second-year Certificate of Eligibility and a third-year Certificate of Eligibility if the Educator has met the requirements outlined in Section 5.0 of this regulation. The applicant is enrolled and participating in a Department-approved Alternative Routes for Teacher Licensure and Certification (ARTC) program for teachers in the area of need for students with disabilities for which the Standard Certificate is sought.~~
- 3.1.4 ~~The applicant shall be employed as the educator of record for the Standard Certificate sought in a position in a Delaware traditional, vocational-technical, or charter school.~~
- 3.1.5 ~~The applicant's Employing Authority will support and assist the applicant in completing the requirements for the Standard Certificate sought.~~
- 3.1.6 ~~The applicant shall also meet the requirements for the issuance of the applicable Certificate of Eligibility set forth in either Section 4.0 or Section 5.0.~~

4.0 Application Procedures

- 4.1 ~~The Employing Authority shall:~~
 - 4.1.1 ~~Establish that the proposed recipient of a Certificate of Eligibility is competent by submitting evidence of the Educator's License and other considerations; and~~
 - 4.1.2 ~~Apply for the Certificate of Eligibility within sixty (60) calendar days of the Educator's hire or new job assignment; and~~
 - 4.1.3 ~~Establish that the proposed recipient is participating in a state-approved alternative route for teacher licensure and certification program which is appropriate to the Certification, as identified in Section 1.0 of this regulation, that the proposed recipient is pursuing; and~~
 - 4.1.4 ~~Support and assist the Educator in achieving the skills and knowledge necessary to meet applicable Certification requirements; and~~
 - 4.1.5 ~~Verify that the Educator understands the Standard Certificate requirements, the deadline in which to complete requirements, and the expectation to earn a Standard Certificate.~~
- 4.2 ~~Failure by the Employing Authority to fulfill the conditions set forth shall result in denial of the Certificate of Eligibility.~~

4.0 Certificate of Eligibility for Individuals Who Seek a Delaware Initial License and Content Area Standard Certificate

- 4.1 ~~The Department may issue a Certificate of Eligibility to an applicant who meets the requirements in Section 3.0 and the applicant has applied for and met the requirements of a content area Standard Certificate or is eligible to be issued a content area Emergency Certificate.~~
- 4.2 ~~The Department may extend a Certificate of Eligibility that was issued pursuant to subsection 4.1 up to 2 times if the educator meets the requirements in subsections 4.2.1 through 4.2.7.~~
 - 4.2.1 ~~The educator shall hold a valid and current Delaware Initial, Continuing, or Advanced License.~~
 - 4.2.2 ~~The educator continues to be enrolled and participating in a Department-approved ARTC program for teachers in the area of need for students with disabilities for which the Standard Certificate is sought.~~
 - 4.2.3 ~~The educator continues to seek 1 of the Standard Certificates in subsection 1.1 and has not met the requirements for issuance of the Standard Certificate sought but shall be making satisfactory progress towards the completion of all program requirements.~~
 - 4.2.4 ~~The educator has met the requirements for issuance of a content area Standard Certificate or has not met the requirements for issuance of the content area Standard Certificate sought but is making progress toward completing the requirements by completing coursework or achieving the minimum score on the examination of content knowledge.~~
 - 4.2.5 ~~The educator's Employing Authority and program recommend an extension based on the educator's performance in the assignment and progress in the program.~~
 - 4.2.6 ~~The educator shall be employed as the educator of record for both of the Standard Certificates sought in a position in a Delaware traditional, vocational-technical, or charter school.~~
 - 4.2.7 ~~The educator's Employing Authority will continue to support and assist the educator in completing the requirements for the Standard Certificate sought.~~
- 4.3 ~~Application Requirements~~

4.3.1 If the applicant is applying for the issuance or renewal of an educator's license, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license application as specified in 14 Del.C. §1219 and could delay the processing or result in the denial of the application for a Certificate of Eligibility.

4.3.2 For applicants who seek a Certificate of Eligibility under subsection 4.1, the following documentation is required with the application:

4.3.2.1 Documentation that the applicant meets the requirements for issuance of a Delaware Initial License or holds a valid and current Delaware Initial, Continuing, or Advanced License;

4.3.2.2 A copy of the welcome letter from the applicant's ARTC program, documenting enrollment in the program in the area of need for students with disabilities for which the Standard Certificate is sought;

4.3.2.3 Documentation that the applicant is employed as the educator of record for the Standard Certificate sought in a position in a Delaware traditional, vocational-technical, or charter school;

4.3.2.4 Documentation that the applicant's Employing Authority will support and assist the applicant in completing the requirements for the Standard Certificate sought; and

4.3.2.5 Documentation that the applicant has applied for and met the requirements of a content area Standard Certificate or is eligible to be issued a content area Emergency Certificate.

4.3.3 For applicants who seek extension of a Certificate of Eligibility under subsection 4.2, the following documentation is required with the application:

4.3.3.1 Documentation that the educator holds a valid and current Delaware Initial, Continuing, or Advanced License;

4.3.3.2 A request from the applicant's Employing Authority, documenting that it recommends an extension based on the educator's performance in the assignment and progress in the program and that it will continue to support and assist the educator in completing the requirements for the Standard Certificate sought;

4.3.3.3 A letter from the educator's ARTC program, documenting that it recommends an extension based on the educator's performance in the assignment and progress in the program;

4.3.3.4 Documentation that the educator is employed as the educator of record for both of the Standard Certificates sought in a position in a Delaware traditional, vocational-technical, or charter school;

4.3.3.5 Official transcript from the applicant's Regionally Accredited college or university or, if applicable, documents verifying successful completion of Department-approved professional development; and

4.3.3.6 Official score on the examination of content knowledge for the Content Area Standard Certificate sought.

4.4 In order to retain the Certificate of Eligibility, the educator shall meet the requirements in subsections 4.4.1 through 4.4.5. If the educator fails to meet any of the requirements related to retaining the Certificate of Eligibility, the educator and the educator's Employing Authority shall immediately notify the Department in writing. The requirements set forth in this subsection apply to all educators regardless of the date the Certificate of Eligibility was issued.

4.4.1 The educator shall hold an Initial, Continuing, or Advanced License.

4.4.2 The educator shall continue to be employed as the educator of record for both of the Standard Certificates sought in a position in a Delaware traditional, vocational-technical, or charter school.

4.4.3 The educator shall continue to be enrolled and participating in the Department-approved ARTC program for teachers of students with disabilities.

4.4.4 The educator shall maintain satisfactory progress towards completion of all of the ARTC program's requirements.

4.4.5 The educator shall make progress toward completing the requirements of the content area Standard Certificate sought.

5.0 Second Year and Third Year Reissue of Certificate of Eligibility

5.1 If the Educator does not meet all Standard Certificate requirements during the first school year, the Employing Authority may apply for a second-year Certificate of Eligibility in the same area.

5.2 If the Department grants an Educator a second-year Certificate of Eligibility and the Educator does not meet all Standard Certificate requirements during the second school year, the Employing Authority may apply for a third-year Certificate of Eligibility in the same area.

- 5.3 The Department may issue a second-year Certificate of Eligibility or a third-year Certificate of Eligibility if the following requirements are met:
- 5.3.1 The Employing Authority submits a request for the Certificate of Eligibility within sixty (60) calendar days of the start of the next consecutive school year.
 - 5.3.2 The Employing Authority has established that the Educator has made documented progress toward earning the Standard Certificate by continuing to participate in a state-approved alternative route for teacher licensure and certification program which is appropriate to the Certification identified in Section 1.0 of this regulation that the Educator is pursuing.

5.0 Certificate of Eligibility for Individuals Who Hold a Delaware Initial, Continuing, or Advanced License and Content Area Standard Certificate

- 5.1 The Department may issue a Certificate of Eligibility to an applicant who meets the requirements in Section 3.0 and the applicant holds a valid content area Standard Certificate.
- 5.2 The Department may extend a Certificate of Eligibility that was issued pursuant to subsection 5.1 up to 2 times if the educator meets the requirements in subsections 5.2.1 through 5.2.6.
 - 5.2.1 The educator shall hold a valid and current Delaware Initial, Continuing, or Advanced License.
 - 5.2.2 The educator continues to seek 1 of the Standard Certificates in subsection 1.1 and has not met the requirements for issuance of the Standard Certificate sought but shall be making satisfactory progress towards the completion of all program requirements.
 - 5.2.3 The educator holds a valid content area Standard Certificate.
 - 5.2.4 The educator's Employing Authority and program recommend an extension based on the educator's performance in the assignment and progress in the program.
 - 5.2.5 The educator shall be employed as the educator of record for the Standard Certificate sought in a position in a Delaware traditional, vocational-technical, or charter school.
 - 5.2.6 The educator's Employing Authority will continue to support and assist the educator in completing the requirements for the Standard Certificate sought.
- 5.3 Application Requirements
 - 5.3.1 If the applicant is applying for the issuance or renewal of an educator's license, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license application as specified in 14 **Del.C.** §1219 and could delay the processing or result in the denial of the application for a Certificate of Eligibility.
 - 5.3.2 For applicants who seek a Certificate of Eligibility under subsection 5.1, the following documentation is required with the application:
 - 5.3.2.1 Documentation that the educator holds a valid and current Delaware Initial, Continuing, or Advanced License;
 - 5.3.2.2 A copy of the welcome letter from the applicant's ARTC program, documenting enrollment in the program in the area of need for students with disabilities for which the Standard Certificate is sought;
 - 5.3.2.3 Documentation that the applicant is employed as the educator of record for the Standard Certificate sought in a position in a Delaware traditional, vocational-technical, or charter school;
 - 5.3.2.4 Documentation that the applicant's Employing Authority will support and assist the applicant in completing the requirements for the Standard Certificate sought; and
 - 5.3.2.5 Documentation that the applicant holds a valid content area Standard Certificate.
 - 5.3.3 For applicants who seek extension of a Certificate of Eligibility under subsection 5.2, the following documentation is required with the application:
 - 5.3.3.1 Documentation that the educator holds a valid and current Delaware Initial, Continuing, or Advanced License;
 - 5.3.3.2 A request from the applicant's Employing Authority, documenting that it recommends an extension based on the educator's performance in the assignment and progress in the program and that it will continue to support and assist the educator in completing the requirements for the Standard Certificate sought;
 - 5.3.3.3 A letter from the educator's ARTC program, documenting that it recommends an extension based on the educator's performance in the assignment and progress in the program;
 - 5.3.3.4 Documentation that the educator is employed as the educator of record for the Standard Certificate sought in a position in a Delaware traditional, vocational-technical, or charter school; and

5.3.3.5 Documentation the applicant holds a valid content area Standard Certificate.

5.4 In order to retain the Certificate of Eligibility, the educator shall meet the requirements in subsections 5.4.1 through 5.4.5. If the educator fails to meet any of the requirements related to retaining the Certificate of Eligibility, the educator and the educator's Employing Authority shall immediately notify the Department in writing. The requirements set forth in this subsection apply to all educators regardless of the date the Certificate of Eligibility was issued.

5.4.1 The educator shall hold an Initial, Continuing, or Advanced License.

5.4.2 The educator shall continue to be employed as the educator of record for the Standard Certificate sought in a position in a Delaware traditional, vocational-technical, or charter school.

5.4.3 The educator shall continue to be enrolled and participating in the Department-approved ARTC program for teachers of students with disabilities.

5.4.4 The educator shall maintain satisfactory progress towards completion of all of the ARTC program's requirements.

5.4.5 The educator shall hold a content area Standard Certificate.

6.0 Expiration of Validity of a Certificate of Eligibility

6.1 Certificates of Eligibility shall expire on June 30th. A Certificate of Eligibility is issued for up to 1 school year and expires on June 30th of the end of the school year it is issued unless it is revoked.

6.2 Certificates of Eligibility that have been issued for ~~three~~ 3 consecutive school years may not be extended, including for Educators who have switched ARTC programs. The Educator shall meet the requirements for issuance of a Standard Certificate in the area of ~~Certification identified in Section 1.0 of this regulation that the Educator is pursuing~~ need for students with disabilities for which the Standard Certificate is sought. Upon successful completion of a Department-approved ARTC program to teach students with disabilities, an Educator who subsequently enrolls in an ARTC program to teach students with disabilities that is in a different area of need may be issued a new Certificate of Eligibility.

6.3 Educators holding an active License without a current or valid certificate are not ~~considered Credentialed~~ authorized to teach in a Delaware public school.

6.4 A Certificate of Eligibility may not be renewed or extended for a leave of absence.

6.5 A Certificate of Eligibility may not be extended for exigent circumstances.

7.0 Transfer of Certificate of Eligibility to a New Employing Authority

The Department may approve the transfer of a Certificate of Eligibility from one Employing Authority to another if the new Employing Authority conducts an independent review of the Educator's progress towards a Standard Certificate and assumes the commitments and responsibilities of an Employing Authority within this regulation.

8.0 Revocation of Certificate of Eligibility Disciplinary Action

8.1 A ~~An Educator's~~ Certificate of Eligibility shall be revoked in the event an Educator's Initial, Continuing, or Advanced License is revoked in accordance with ~~may be revoked, suspended, or limited for cause as provided in 14 DE Admin. Code 1514 Revocation, Limitation, or Suspension of Licenses~~ Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits or for the Educator's failure to comply with the requirements related to the retention of the Educator's Certificate of Eligibility.

8.1.1 An Educator is entitled to a full and fair hearing before the Standards Board.

8.1.2 Hearings shall be conducted in accordance with ~~14 DE Admin. Code 1515 Hearings Procedures and Rules.~~

8.2 An Educator's Certificate of Eligibility shall be revoked if the Educator's license is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.

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

9.0 Contact Information and Change of Name or Address

9.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.

- 9.2 An Educator who legally changes the Educator's name and wishes to change the name on the Certificate of Eligibility shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 9.3 An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

21 DE Reg. 972 (06/01/18)

27 DE Reg. 386 (12/01/23) (Final)