

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1553

PROPOSED

PUBLIC NOTICE

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

1553 Driver and Traffic Safety Education Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1553 Driver and Traffic Safety Education Teacher. The regulation concerns the requirements for a Driver and Traffic Safety Education Teacher Standard Certificate. The proposed amendments include clarifying the requirement regarding an applicant's driving record in subsections 4.1.3 and 5.1.5 and specifying that a 5-year driving record is required to be submitted with an application in subsections 6.3.4 and 6.5.5.

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 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 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 Standard Certificate for educators and is not designed to help ensure students' health and safety is protected.

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

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change 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 Section 6.0 apply to individual applicants.

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

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

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

burdensome method for addressing the purpose of this amended regulation.

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

1553 Driver and Traffic Safety Education Teacher

1.0 Content

This regulation shall apply to the requirements for a Driver and Traffic Safety Education Teacher Standard Certificate pursuant to 14 **Del.C.** §1220(a). This Standard Certificate is required to teach driver and traffic safety education in a Delaware public school.

16 DE Reg. 628 (12/01/12)

26 DE Reg. 105 (08/01/22)

2.0 Definitions

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

"Department" means the Delaware Department of Education.

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

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

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

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

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

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

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

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

16 DE Reg. 628 (12/01/12)

26 DE Reg. 105 (08/01/22)

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Driver and Traffic Safety Education Teacher Standard Certificate to an applicant who:

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

3.1.2 Has met the requirements for an educator's license in Delaware and presents proof of a Valid and Current License or Certificate as a driver and traffic safety education teacher issued by another state or jurisdiction whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or

3.1.3 Has met the requirements for an educator's license in Delaware and meets the requirements set forth in Section 5.0 of this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Driver and Traffic Safety Education Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality,

misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

16 DE Reg. 628 (12/01/12)

21 DE Reg. 324 (10/01/17)

26 DE Reg. 105 (08/01/22)

4.0 Prescribed Education, Knowledge, and Skill Requirements

4.1 An applicant for a Driver and Traffic Safety Education Teacher Standard Certificate shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.

4.1.1 The applicant shall have completed a minimum of 21 college credits or an equivalent number of hours in professional development with ~~one~~ 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the following areas:

4.1.1.1 Human development (~~three~~ 3 credits);

4.1.1.2 Introduction to exceptional children (~~three~~ 3 credits);

4.1.1.3 Effective teaching strategies (~~three~~ 3 credits);

4.1.1.4 Cultural diversity (~~three~~ 3 credits);

4.1.1.5 Driver education: methods and materials (~~three~~ 3 credits);

4.1.1.6 Driver education: in-car training (~~three~~ 3 credits); and

4.1.1.7 One of the following:

4.1.1.7.1 Alcohol and drug education (~~three~~ 3 credits);

4.1.1.7.2 Current issues in driver education (~~three~~ 3 credits);

4.1.1.7.3 Safety in driver education (~~three~~ 3 credits);

4.1.1.7.4 First aid (~~three~~ 3 credits);

4.1.1.7.5 Curriculum and instruction for exceptional learners (~~three~~ 3 credits);

4.1.1.7.6 Education for safe living (~~three~~ 3 credits);

4.1.1.7.7 Technology and teaching driver education (~~three~~ 3 credits); or

4.1.1.7.8 Driving task analysis (~~three~~ 3 credits).

4.1.2 The applicant shall hold a valid and current driver's license.

4.1.3 The applicant's driving record shall have no more than ~~five~~ 5 points total from Delaware or ~~five~~ 5 points or the equivalence of ~~five~~ 5 points in citations from any other jurisdiction in the 5 years prior to the date of the application.

4.1.4 The applicant's driver's license shall not have been suspended, revoked, or disqualified in Delaware or any other jurisdiction in the ~~five~~ 5 years prior to the date of the application.

16 DE Reg. 628 (12/01/12)

21 DE Reg. 324 (10/01/17)

26 DE Reg. 105 (08/01/22)

5.0 Reciprocity

5.1 If an applicant is already licensed or certified as a driver and traffic safety education teacher in a state or jurisdiction whose requirements are not substantially similar to the requirements in Section 4.0, the applicant shall have satisfied the requirements in subsections 5.1.1 through 5.1.6 in order for the Department to issue a Driver and Traffic Safety Education Teacher Standard Certificate.

5.1.1 The applicant shall hold a Valid and Current License or Certificate as a driver and safety education teacher.

5.1.2 The applicant shall hold a bachelor's degree in any content area from a Regionally Accredited college or university.

5.1.3 The applicant shall have completed a minimum of 21 college credits or an equivalent number of hours in professional development with ~~one~~ 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department in the areas specified in subsections 4.1.1.1 through 4.1.1.7.

5.1.4 The applicant shall hold a valid and current driver's license.

5.1.5 The applicant's driving record shall have no more than ~~five~~ 5 points total or the equivalence of ~~five~~ 5 points in citations from any jurisdiction in the 5 years prior to the date of the application.

- 5.1.6 The applicant's driver's license shall not have been suspended, revoked, or disqualified in any jurisdiction in the ~~five~~ 5 years prior to the date of the application.

26 DE Reg. 105 (08/01/22)

6.0 Application Requirements

- 6.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 6.2 An applicant must disclose the applicant's criminal conviction history upon application for a Driver and Traffic Safety Education Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a Driver and Traffic Safety Education Teacher Standard Certificate as specified in 14 Del.C. §1219.
- 6.3 For an applicant who is applying under subsection 3.1.1, the following documentation is required with the application for a Driver and Traffic Safety Education Teacher Standard Certificate:
- 6.3.1 Official transcript from the applicant's Regionally Accredited college or university.
- 6.3.1.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
- 6.3.1.2 Sealed paper transcripts may be submitted.
- 6.3.1.3 The Department will not accept copies of transcripts; and
- 6.3.2 Documents verifying successful completion of Department-approved professional development, if applicable; and
- 6.3.3 Documentation that the applicant holds a valid and current driver's license; and
- 6.3.4 A copy of the applicant's 5-year driving record; and
- 6.3.5 Additional documentation as required by the Department.
- 6.4 For an applicant who is applying under subsection 3.1.2, the following documentation is required with the application for a Driver and Traffic Safety Education Teacher Standard Certificate:
- 6.4.1 An official copy of the Valid and Current License or Certificate as a driver and traffic safety education teacher; and
- 6.4.2 Additional documentation as required by the Department.
- 6.5 For an applicant who is applying under subsection 3.1.3, the following documentation is required with the application for a Driver and Traffic Safety Education Teacher Standard Certificate:
- 6.5.1 An official copy of the Valid and Current License or Certificate as a driver and traffic safety education teacher; and
- 6.5.2 Official transcript from the applicant's Regionally Accredited college or university.
- 6.5.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
- 6.5.2.2 Sealed paper transcripts may be submitted.
- 6.5.2.3 The Department will not accept copies of transcripts; and
- 6.5.3 Documents verifying successful completion of Department-approved professional development, if applicable; and
- 6.5.4 Documentation that the applicant holds a valid and current driver's license; and
- 6.5.5 A copy of the applicant's 5-year driving record; and
- 6.5.6 Additional documentation as required by the Department.

26 DE Reg. 105 (08/01/22)

7.0 Secretary of Education Review

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

26 DE Reg. 105 (08/01/22)

8.0 Validity of a Standard Certificate

- 8.1 A Driver and Traffic Safety Education Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 8.2 A Driver and Traffic Safety Education Teacher Standard Certificate is not subject to renewal.

26 DE Reg. 105 (08/01/22)

9.0 Requirements Related to the Retention of a Driver and Traffic Safety Education Teacher Standard Certificate

- 9.1 In order to retain a Driver and Traffic Safety Education Teacher Standard Certificate, the Educator shall:
 - 9.1.1 Hold a valid and current driver's license; and
 - 9.1.2 Maintain a driving record that has no more than ~~five~~ 5 points total from Delaware or ~~five~~ 5 points or the equivalence of ~~five~~ 5 points in citations from any other jurisdiction; and
 - 9.1.3 Prior to the expiration of the Educator's license, affirm and document to the Department that the Educator satisfies the applicable requirements in subsections 9.1.1 and 9.1.2 of this regulation.
- 9.2 If an Educator fails to meet any of the requirements related to retaining a Driver and Traffic Safety Education Teacher Standard Certificate, the Educator shall immediately notify the Department in writing.
- 9.3 The requirements set forth in subsection 9.1 apply to all Educators regardless of the date the Driver and Traffic Safety Education Teacher Standard Certificate was issued to them.

26 DE Reg. 105 (08/01/22)

10.0 Disciplinary Action

- 10.1 An Educator's Driver and Traffic Safety Education Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits or for the Educator's failure to comply with the requirements related to the retention of a Driver and Traffic Safety Education Teacher Standard Certificate as provided in Section 9.0.
- 10.2 An Educator's Driver and Traffic Safety Education Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 10.3 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.

26 DE Reg. 105 (08/01/22)

11.0 Past Certificate Recognized

The Department shall recognize a Driver and Traffic Safety Education Teacher Standard Certificate issued prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to teach driver and traffic safety education.

26 DE Reg. 105 (08/01/22)

12.0 Contact Information and Change of Name or Address

- 12.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.
- 12.2 An Educator who legally changes the Educator's name and wishes to change the name on the Driver and Traffic Safety Education Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 12.3 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.

9 DE Reg. 545 (10/01/05)

Renumbered effective 06/01/07 - see Conversion Table

16 DE Reg. 628 (12/01/12)

21 DE Reg. 324 (10/01/17)

26 DE Reg. 105 (08/01/22)

27 DE Reg. 393 (12/01/23) (Final)