

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD
Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d)) 14 DE Admin.
Code 1501**

FINAL

REGULATORY IMPLEMENTING ORDER

1501 Knowledge, Skills and Extra Responsibility Based Supplements for Educators

I. Summary of the Evidence and Information Submitted

The Professional Standards Board, acting in cooperation and consultation with the Department of Education, seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1501 Knowledge, Skills and Extra Responsibility Based Supplements for Educators. It is necessary to amend this regulation to clarify the effective date of salary supplements paid to educators who complete professional development clusters.

Notice of the proposed amendment of the regulation was published in the News Journal and the Delaware State News on November 23, 2004, in the form hereto attached as Exhibit "A". The notice invited written comments. No comments were received.

II. Findings of Facts

The Professional Standards Board and the State Board of Education find that it is appropriate to adopt this regulation.

III. Decision to Adopt the Regulation

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to amend the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "B" is hereby adopted. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation 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 the regulation amended shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 1501 of the *Administrative Code of Regulations* of the Department of Education.

V. Effective Date of Order

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

APPROVED BY THE PROFESSIONAL STANDARDS BOARD THE 6th DAY OF JANUARY, 2005

Harold Roberts, Chair	Sharon Brittingham
Norman Brown	Heath Chasanov
Edward Czerwinski	Angela Dunmore
Karen Gordon	Barbara Grogg
Bruce Harter	Valerie Hoffmann
Leslie Holden	Carla Lawson
Mary Mirabeau	Gretchen Pikus
Karen Schilling Ross	Carol Vukelich

FOR IMPLEMENTATION BY THE DEPARTMENT OF EDUCATION:
Valerie A. Woodruff, Secretary of Education

IT IS SO ORDERED This 20th Day Of January, 2005

STATE BOARD OF EDUCATION

Dr. Joseph A. Pika, President
Jean W. Allen, Vice President
Richard M. Farmer, Jr.
Mary B. Graham, Esquire
Valarie Pepper
Dennis J. Savage
Dr. Claibourne D. Smith

1501 Knowledge, Skills, And Responsibility Based Salary Supplements For Educators

1.0 Content:

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

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

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

2.0 Definitions:

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

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

"Delaware Administrator Standards" means standards for education administrators approved by the Standards Board and the State Board of Education, as per 14 DE Admin. Code 1594, Delaware Administrator Standards.

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

"Delaware Professional Teaching Standards" means standards for teachers approved by the Standards Board and the State Board of Education, as per 14 DE Admin. Code 1593, Delaware Professional Teaching Standards.

"Department" means the Delaware Department of Education.

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

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

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

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

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

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

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

“Replication of Approved Clusters” means an approved cluster being delivered by a provider other than the developer of the cluster.

“Re-qualification of an Approved Cluster” means the process a provider uses to set forth the activities that an educator would engage in to qualify for an extension of five(5) additional years of a salary supplement.

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

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

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

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

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

3.0 Knowledge and Skills:

3.1 The Standards Board shall, on no less than an annual basis, submit to the State Board for approval, lists of proposed new professional development clusters in specific areas of knowledge and skills which shall serve as the basis for awarding salary supplements.

3.2 The criteria for evaluating professional development clusters designed to promote acquisition of knowledge and skills are based upon:

3.2.1 Delaware Professional Teaching Standards or Delaware Administrator Standards or their equivalent (i.e., national standards from educators' specialty-area organizations that complement the Delaware standards).

3.2.2 Delaware content standards or their equivalent (i.e., national standards from content-specialty groups, if there are no Delaware standards for the content area).

3.2.3 National Staff Development Council Standards for Staff Development (NSDC, 2001).

3.3 Clusters may include a combination of formal courses at graduate or undergraduate levels, and other research-based activities which conform to the NSDC Standards for Staff Development.

3.4 Clusters may be comprised of related segments which may be completed separately over a specified period of time, not to exceed 5 years, as included in the cluster design and approved by the Standards Board and the State Board.

3.5 Voluntary performance or assessment-based specialty certifications awarded for meeting standards established by national professional organizations shall be evaluated as proposed clusters in accordance with this regulation.

3.6 The specific percentage of salary assigned to each knowledge and skills supplement, provided that no supplement may be less than 2% nor more than 6% of an educator's base state salary, shall be submitted with the list of professional development clusters and specific areas of knowledge and skills.

3.6.1 A cluster qualifying an educator for a supplement of 2% shall consist of no less than 90 hours of engagement by the educator.

3.6.2 A cluster qualifying an educator for a supplement of 4% shall consist of no less than 180 hours of engagement by the educator.

3.6.3 A cluster qualifying an educator for a supplement of 6% shall consist of no less than 270 hours of engagement by the educator.

3.7 Knowledge and skills which, once acquired, are expected to lead to more effective instruction for the duration of an educator's career are designated as permanent supplements.

3.8 Knowledge and skills related to new technologies, curriculum adoptions, and short-term strategies shall have a duration of five (5) years, Educators may re-qualify for a cluster for an additional five (5) years by completing the activities set forth in accordance with cluster re-qualification procedures established by the Standards Board.

3.9 The provider shall present an educator who satisfactorily completes an approved cluster with a certificate of completion to verify eligibility for a salary supplement. The certificate shall certify the knowledge and skills acquired and demonstrated by the educator. The provider shall provide the Department with a list of educators who have satisfactorily completed an approved cluster.

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

4.0 Replication of Approved Clusters.

4.1 The developer of an approved cluster shall decide if a cluster can be replicated, and shall set forth the

conditions, if any, under which the approved cluster may be offered by a provider other than the developer of the approved cluster. The Professional Development and Associated Compensation Committee shall review and approve applications for replication of a cluster, and shall forward approved applications for replication to the Standards Board for action. The Standards Board shall forward approved applications for replication to the State Board for concurrence.

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

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

5.0 Procedures for Re-qualification of a Cluster.

5.1 The cluster provider may submit a proposal for activities for re-qualification to update an individual educator's skills and knowledge acquired in an approved cluster to the Professional Development and Associated Compensation Committee for review. The Professional Development and Associated Compensation Committee may recommend to the Standards Board approval of activities for re-qualification of a cluster for a period not to exceed five (5) years. The Standards Board and the State Board shall review and approve all re-qualification requirements.

5.2 The proposal for re-qualification activities of an approved cluster must include activities which are at least as rigorous as the original activities of the cluster and shall include, but are not limited to, the following:

5.2.1 The planned activities required to update the skills and knowledge acquired.

5.2.2 The number of hours of engagement the participant must participate in to be eligible for re-qualification of a salary supplement. The number of hours of engagement for the re-qualification of a cluster must be the same level as the original cluster, unless the provider submits re-qualification activities for a lesser percentage (i.e., a 4% cluster re-qualifies as a 2% cluster).

5.2.3 The specific skills and knowledge that will be updated or re-qualified and how such activities will directly impact students in the classroom.

5.3 All proposals for re-qualification activities must be reviewed by the Professional Development and Associated Compensation Committee, and approved by the Standards Board and the State Board.

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

6.0 Procedures for Reauthorization of Approved Clusters.

6.1 A provider of a cluster may apply for reauthorization of a cluster by submitting an application for reauthorization to the Professional Development and Associated Compensation Committee, which shall review the application and, if appropriate, forward a recommendation to the Standards Board and the State Board for approval. Reauthorization approval of a cluster shall be for a period of five (5) years.

6.2 Approval of a cluster is valid for five years, and may be reauthorized upon review and approval of an application for reauthorization from the provider.

6.3 Cluster developers shall, when applying for reauthorization, provide the Professional Development and Associated Compensation Committee with an evaluation of the effectiveness of a cluster in achieving the stated goals. The evaluation shall include evidence of a positive impact on educators' skills and knowledge and student learning. Evaluation reports shall be submitted on the form provided by the Standards Board.

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

7.0 Revocation of Approval of a Cluster.

7.1 Cluster applications are approved for a period of five years. The Standards Board may, however, revoke the approval of a cluster at any time during the five year period of approval for good cause. "Good cause" includes, but is not limited to:

7.1.1 Failure on the part of the provider to complete the delivery of a cluster; or

7.1.2 Failure of the provider to submit evidence of completers to DOE; or

7.1.3 Evidence, as supplied by participant evaluation and verified by the Professional Development and Associated Compensation Committee, of failure to provide content and activities as set forth in the approved application.

7.1.4 Other conduct which negatively impacts the ability of educators to gain new knowledge and skill, such as misrepresentation of the cluster content on the application.

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

8.0 Responsibility Assignments.

8.1 The Standards Board shall, on no less than an annual basis, submit to the State Board a list of specific responsibility assignments for approval as the basis for awarding responsibility salary supplements.

8.2 Responsibility assignments shall be:

8.2.1 Focused on school improvement issues that impact student achievement;

8.2.2 Supported by high quality, targeted professional development, and

8.2.3 Academic in nature.

8.3 In order to qualify for a responsibility assignment salary supplement, an educator shall have completed the state approved training program for the position, or, in the absence of a training program, shall meet the criteria set forth for the position by the Standards Board or local district, charter school, or other employing authority, and shall provide state and district approved levels of service, participate in designated activities throughout the period of responsibility, and document the satisfactory fulfillment of the specified responsibility assignment.

8.4 Extra responsibility salary supplements may be renewed.

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

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

9.0 Approval of Professional Development Clusters and Responsibilities:

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

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

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

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

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

10.0 Educators' Eligibility for Salary Supplements

10.1 Skills and Knowledge Salary Supplements.

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

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

10.2 Responsibility Assignments: An educator shall provide the local district, charter school or other employing authority with such information as may be required to enable the local district, charter school or other employing authority to verify that the educator has fulfilled the requirements of 8.3 of this regulation.

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

11.0 Payment of Salary Supplements:

11.1 Salary Supplements for Clusters.

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

11.2 Salary Supplements for Extra Responsibility Assignments.

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

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

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

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

8 DE Reg 1137 (2/1/05)